

605326

B I L L S,

PUBLIC:

FOUR VOLUMES.

— (2.) —

EAST QUAY WALL TAX (DUBLIN)

TO

KELP MANUFACTURE (IRELAND).

Session

30 April — 28 August 1857.

V O L. II.

1857—Sess. 2.



B I L L S :

1857—Sess. 2.

FOUR VOLUMES:—CONTENTS OF THE

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A

B I L L

TO

Abolish the Rate known as the East Quay Wall
Tax in the City of Dublin, and make other
Provision in lieu thereof.

- W**HEREAS by virtue of an Act passed in the Parliament of Preamble.
Ireland in the Twenty-sixth Year of the Reign of King
George the Third, Chapter Nineteen, certain Persons 26 G. 3. c. 19.
therein named and their Successors were appointed a Corporation for (I.)
- 5 preserving and improving the Port of Dublin: And whereas by
certain other Acts subsequently passed, and more especially by Two
Acts passed respectively in the Parliament of Ireland in the Thirty- 32 G. 3. c. 35.
second Year of the Reign of His said Majesty, Chapter Thirty-five, (I.)
and in the Fortieth Year of His said Majesty's Reign, Chapter 40 G. 3. c. 47.
- 10 Forty-seven, the said first-recited Act was amended, and the said (I.)
Corporation was authorized to levy certain Rates upon Persons in
possession of certain Acre and Foot Lots therein mentioned on the
North Side of the River Anna Liffey in the City of Dublin, called
the North Lots, and also to levy a certain Rate or Duty upon
- 15 Grounds, Houses, and Buildings adjoining and fronting the Quays of
the said River, for the Building, Repair, and Preservation of the Walls
of the said Quays: And whereas by an Act passed in the First 1 & 2 Vict.
and Second Years of the Reign of Her present Majesty, Chapter c. 36. ss. 16.
[Bill 97.] A 17.
Thirty-

Thirty-six, it is provided that the Rate or Duty theretofore payable to or leviab^{le} by the said Corporation upon Grounds, Houses, and Buildings adjoining and fronting the Quay Walls Westward of the Bridge called Carlisle Bridge and all Arrears thereof should cease and determine from and after the First Day of July One Thousand 5 eight hundred and thirty-eight: And whereas the Quay Walls Eastward of Carlisle Bridge in the City of Dublin have been built and are now in good Order and Repair, and it is reasonable that the said Rates upon the said Lots, Grounds, Houses, and Buildings Eastward of Carlisle Bridge, now commonly known as the East Quay 10 Wall Tax, should likewise cease and determine, and that other Provisions should be made in lieu thereof as herein-after provided: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and 15 by the Authority of the same, as follows:

Acts and
Parts of Acts
repealed.

I. From and after the *passing of this Act* the several Parts of Acts set forth in the Schedule to this Act annexed, and every other Act and Part of an Act inconsistent with this Act, shall be and are hereby repealed.

20

Frontage
Rate for
Quay Walls
Eastward of
Carlisle
Bridge to
cease on the
passing of
this Act.

II. From and after the *passing of this Act* the said Rates or Duties payable to or leviab^{le} by the said Corporation in respect to the said Lots and said Ground, Houses, and Buildings adjoining and fronting the Quay Walls Eastward of Carlisle Bridge in the City of Dublin, and all Arrears thereof, shall cease and determine, and shall 25 not be any longer leviab^{le}.

Ballast
Board to
furnish
Estimates
for Repair
of Quay
Wall.

III. From and after the *passing of this Act*, and when and so often as it shall be necessary to expend any Sum of Money for the Purpose of preserving or repairing the said Portion of the said Quay Walls Eastward of Carlisle Bridge, the said Corporation shall, on or before 30 the *First Day of September* in every Year, by their Secretary or other Public Officer, estimate and ascertain as nearly as may be the Amounts of the Sums of Money which they shall deem to be necessary for such Purpose, and shall by their Secretary or other Public Officer sign and certify such Estimate, and transmit the same, 35 on or before the *First Day of September* in every Year, to the Town Clerk of the City of Dublin; and immediately after the Day fixed by the Council of the Borough of Dublin for receiving Applications for Presentments under the Provisions of "The Dublin Improvement Act, 1849," the said Council shall proceed to investigate such Estimate 40 or Application, and decide upon the same at an Open Meeting of the said Council, or of a Committee thereof authorized in that behalf, in the same manner as the said Council is authorized and empowered in respect

respect of other Presentments; and if the said Estimate or Application should be agreed to by the said Council or Committee thereof, then the said Estimate or Application, to the Extent of but not exceeding *Seven hundred Pounds*, shall be inserted by the Town Clerk of the
 5 said Borough in the Schedule of Applications agreed to by the said
 6 Council, according to the Provisions of "The Dublin Improvement Act, 1849," to be made out; and every such Estimate or Application shall be subject to such Consideration by the Court of Queen's Bench or any Judge thereof, and to such Orders, Allowance, or Disallowance
 10 by such Court or Judge respectively, and also to such Traverses or Objections, as is provided with respect to Applications or Present-
 11 ments in and by "The Dublin Improvement Act, 1849," authorized to be made.

IV. In case any such Estimate or Application shall not be sanc-
 5 tioned by the said Council, the Parties making such Application shall be at liberty, on giving *Six Days* Notice of their Intention to bring the same before the Court or Judge respectively at the Time of
 6 fiating Presentments; and if it shall appear to the said Court or Judge respectively that such Presentment should have been made,
 20 the same shall, to the Extent of but not exceeding *Seven hundred Pounds*, be added to the Schedules sent by the Town Clerk under the separate Heading "Quay Wall Tax."

If Estimate not approved of, Application to be made to the Court at Time of fiating Presentments.

V. The Amount of such Sums as shall from Time to Time be so
 25 presented or fiated as aforesaid shall be applotted, raised, and levied by the Collector General of Rates, in the same Manner as he is authorized under the Provisions of an Act passed in the Twelfth and Thirteenth Years of the Reign of Her present Majesty, Chapter
 30 Ninety-one, to applot, raise, and levy the Police Rate; and all the Provisions of the said Act for applotting, assessing, raising, levying,
 30 lodging, accounting for, auditing, and paying over the Sums in the said Act mentioned shall extend and be applicable to the Quay Wall Tax by this Act authorized, as fully as if the same had been specifically mentioned in such Act and been declared to be One of the Rates leviable thereunder.

Sums presented to be applotted and raised in same Manner as Police Rate. 12 & 13 Vict. c. 91.

35 VI. The said Quay Wall Tax shall be raised and levied on and out of all Houses and other Buildings erected within the Police District of Dublin Metropolis as defined or to be defined by an Act passed in the First Year of Her Majesty's Reign, Chapter Twenty-five, or by any other Act amending the same.

Such Sums to be levied within the Police District of Dublin Metropolis. 1 Vict. c. 25.

40 VII. All Moneys levied under this Act shall be lodged in the Bank of Ireland, to the Credit of the Account directed by an Act of
 [97.] the

Moneys collected to be lodged in

Bank of
Ireland.
17 Vict. c. 22.

the Seventeenth Year of Her Majesty's Reign, Chapter Twenty-two, to be opened and to be called "The Quay Wall Tax and Bridge Tax Account."

Parts of Acts
herein re-
cited to be
incorporated.

VIII. So much of "The Dublin Improvement Act, 1849," and the Act of the Twelfth and Thirteenth Victoria, Chapter Ninety-one, 5 herein-before recited, as shall or may be found necessary for the Purposes of this Act, shall be considered, deemed, and taken to be incorporated herein.

Short Title.

IX. This Act may be cited for all Purposes as "The Quay Wall Tax Act, 1857."

10

SCHEDULE.

32 G. 3. (I.) c. 35. Secs. 2, 3, 4, 5, 6, 7, 8, 10, 12, 13.

40 G. 3. (I.) c. 47. Secs. 23, 24, 25, 27.

East Quay Wall Tax (Dublin).

A

B I L L

To abolish the Rate known as the East Quay Wall Tax in the City of Dublin, and make other Provision in lieu thereof.

*(Prepared and brought in by
Mr. Herbert and Mr. Attorney General for
Ireland.)*

*Ordered, by The House of Commons, to be Printed,
26 June 1857.*

[Bill 97.]

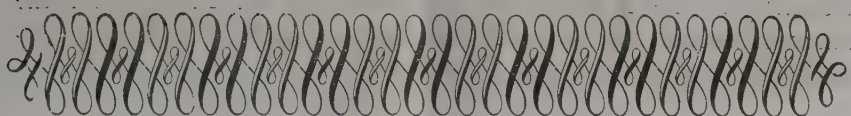
Under 1 oz.

5

Ecclesiastical Commission Bill.

ARRANGEMENT OF CLAUSES.

- Repeal of 13 & 14 Vict. c. 94. s. 17.; Sect. 1.
The Lands of each See to vest in the Commissioners on the next Avoidance; 2.
Lands sufficient to afford the net statutory Income to be secured to each See; 3.
Like Arrangement may be made before next Avoidance, on Request of the Bishop; 4.
The Endowment to be in lieu of the fixed Income; 5.
Arrangements to be revised on Avoidance; 6.
Arrangements how to be made; 7.
Lands assigned as Endowments how to be leased; 8.
Estates Committee to see that Property assigned as Endowment is kept in proper Condition; 9.
Chapter Accounts to be kept in Form approved by Estates Committee; 10.
Estates Committee may object to Items of Expenditure; 11.
3 & 4 Vict. c. 113. s. 67. Recited Proviso extended to Glebe Land; 12.
Provisions concerning local Claims to apply where Portions of Revenues arising from Tithes, &c. are paid to the Commissioners; 13.
Reference may be given to Places where Contribution is made in aid of Grant; 14.
Provision as to Arbitrations; 15.
14 & 15 Vict. c. 104. continued until 1st January 1860; 16.
-



A

B I L L

FURTHER

To amend the Acts relating to the Ecclesiastical Commissioners, and to continue the Act concerning the Management of Episcopal and Capitular Estates in England.

WHEREAS it is expedient to amend the Acts relating to the Ecclesiastical Commissioners for England: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. Section Seventeen of the Act of the Session holden in the Thirteenth and Fourteenth Years of Her Majesty, Chapter Ninety-four, directing the Mode of securing the annual Income of Archbishops and Bishops, shall, as respects every Archbishop and Bishop who shall succeed to a See after the *passing of this Act*, be repealed. Repeal of
13 & 14 Vict.
c. 94. s. 17.

II. Upon the next Avoidance of the See of any Archbishop or Bishop in England, all the Lands, Hereditaments, and Emoluments of or belonging to such See (except all Rights of Patronage or Presentation and the Residences of the Archbishop or Bishop) shall become vested absolutely The Lands
of each See
to vest in
the Commis-
sioners on
the next
Avoidance,

[52.] A 2

absolutely in the Ecclesiastical Commissioners for England, for the Purposes and subject to the Provisions applicable to other Hereditaments vested in the said Commissioners.

Lands sufficient to afford the net statutory Income to be secured to each See.

III. As soon as conveniently may be after the Lands of a See have become vested in the Commissioners as aforesaid, an Arrangement 5 shall be made for assigning to the Archbishop or Bishop of such See and his Successors, as an Endowment for the See, such of the Lands and Hereditaments then vested in the Ecclesiastical Commissioners for England as in the Judgment of the Estates Committee of the said Ecclesiastical Commissioners may be convenient to be held as 10 such Endowment, and will secure as nearly as may be a net annual Income equal to that named for the Archbishop or Bishop of the See by any Act of Parliament or Order in Council then in force, and no more; and in the meantime, until such Endowment is so assigned, the Ecclesiastical Commissioners shall pay to the Archbishop or 15 Bishop of the See the annual Income named for him as aforesaid, at the Times at which the same would have been payable if this Act had not been passed, or, if no Arrangement has been made in this Behalf, by half-yearly Payments, the first half-yearly Payment to be made on the Expiration of *Six* Months after the Consecration of such 20 Archbishop or Bishop.

Like Arrangement may be made before next Avoidance, on Request of the Bishop.

IV. In case any Archbishop or Bishop who may have succeeded on an Avoidance happening before the *passing of this Act*, and having an Income named as aforesaid, signify his Willingness to accept an Endowment for his See in Lands and Hereditaments, in lieu of his 25 Income, it shall be lawful to make the like Arrangement for that Purpose as might have been made if the Lands of the See had become vested in the Commissioners as aforesaid, and upon such Arrangement being made all the Lands, Hereditaments, and Emoluments of or belonging to the See, except such as may be assigned 30 under such Arrangement, and such Rights of Patronage or Presentation, and Residences as aforesaid, shall become vested absolutely in the said Ecclesiastical Commissioners.

The Endowment to be in lieu of the fixed Income.

V. When any Arrangement is made under this Act for the Endowment of a See the Lands and Hereditaments thereby as- 35 signed shall be the Endowment of the Archbishop or Bishop of the See and his Successors, and shall be taken in lieu of the Income named as aforesaid, subject nevertheless to the Provision herein-after contained for the Revision of such Arrangements.

Arrangements to be revised on Avoidance.

VI. On the Avoidance from Time to Time of any See, after 40 the Assignment of an Endowment for the same, the Estates Committee

mittee of the Ecclesiastical Commissioners shall revise the Arrangement in force in relation to such Endowment, and for that Purpose inquire into the State and Productiveness of such Endowment; and if such Endowment, in the Judgment of the Committee, will
 5 secure a net annual Income exceeding that named for the Archbishop or Bishop as aforesaid, or will not secure the full Amount of such annual Income, such Committee shall report thereon to the said Ecclesiastical Commissioners, and an Arrangement shall be made by vesting Part of the Lands and Hereditaments constituting such
 10 Endowment in the Ecclesiastical Commissioners, or by assigning Lands and Hereditaments by way of Addition to such Endowment, or by means of annual or other Payments to or by the Ecclesiastical Commissioners, as the Case may require, which may secure, in the Judgment of the said Committee, to the Archbishop or Bishop who
 15 may succeed upon that Avoidance, the net annual Income so named, and no more.

VII. The Arrangements for the Purposes aforesaid shall be made by the Authority and in the Manner by and in which Arrangements for carrying into effect the Recommendations recited in the Act of
 20 the Session holden in the Sixth and Seventh Years of King William the Fourth, Chapter Seventy-seven, may now be made.

VIII. No Lands assigned or secured as the Endowment of any See under this Act shall be granted by the Archbishop or Bishop otherwise than from Year to Year, or for a Term of Years in possession
 25 not exceeding *Fourteen* Years, at the best annual Rent that can be reasonably gotten without Fine, the Lessee not to be made dispunishable for Waste, or exempted from Liability in respect of Waste; provided always, that it shall be lawful for the Archbishop or Bishop, with the Approval of the Estates Committee of the Ecclesiastical
 30 Commissioners, testified under the Common Seal of the said Commissioners, which the said Committee are hereby empowered to affix to any Lease for this Purpose, from Time to Time to grant Mining or Building or other Leases of any such Lands, for such Considerations, upon such Terms, and generally in such Manner as such Committee
 35 under the Circumstances of each Case may think fit, and it shall be lawful for such Committee to require that any Portion of the Rent reserved on any such Lease shall be payable to the said Ecclesiastical Commissioners.

IX. The Estates Committee shall cause the Property assigned as
 40 an Endowment for any See as aforesaid to be inspected so often as they think fit, and shall cause Notice in Writing of all Dilapidations or Want of Repair found on such Inspection, and of the Repairs or

Arrange-
ments how
to be made.

Lands as-
signed as
Endowments
how to be
leased.

Estates Com-
mittee to see
that Property
assigned as
Endowment
is kept in
proper Con-
dition.

Works necessary for remedying the same, to be given to the Archbishop or Bishop of such See, and such Archbishop or Bishop shall forthwith do or cause to be done, at his own Expense or at the Expense of his Lessees or Tenants (as the Case may require), the Repairs or Works mentioned in such Notice; and if any Difference arise between such Archbishop or Bishop and the Estates Committee with regard to the Condition of such Property, or the Repairs or Works required by the Estates Committee, the Matter in difference shall be referred to Arbitration as herein-after provided. 10

Chapter
Accounts to
be kept in
Form ap-
proved by
Estates
Committee.

X. The Estates Committee shall, as soon as conveniently may be, prepare a Form or Forms of Account according to which every Chapter of a Cathedral or Collegiate Church in England shall, upon Requisition to that Effect being made to them under the Common Seal of the said Commissioners, which Seal the Estates Committee are hereby empowered to affix to such Requisition, enter and regulate the Receipts, Expenditure, and periodical Divisions of the Proceeds of their Capitular Endowments; and the Accounts so entered and kept by every Chapter shall at all reasonable Times be open to Inspection by or on behalf of the said Committee; and the Chapter shall cause to be delivered to the Estates Committee a Copy or Abstract of every such Account, verified in such Manner as the Committee may require, as soon as conveniently may be after the Time of making up the Accounts, and before any Division of the Proceeds of the Capitular Endowments. 15 20 25

Estates
Committee
may object
to Items of
Expenditure.

XI. The Estates Committee shall be entitled to Information in detail as to any Item in any such Account as aforesaid, and may object to any Item which they may think should not be payable or should not be wholly payable out of the Income or Funds of such Chapter; and if on any Objection being made to any Item by such Committee the Chapter do not agree to withdraw such Item from the Account or reduce the same, in pursuance of such Objection, the Matter in difference shall be referred to Arbitration as herein-after provided; and while any such Difference subsists and remains unsettled no Division of the Proceeds of the Capitular Endowments shall be made without the Consent of the Estates Committee. 30 35

3 & 4 Vict.
c. 113. s. 67.

XII. And whereas by the Act of the Session holden in the Third and Fourth Years of Her Majesty, Chapter One hundred and thirteen, Section Sixty-seven, it is provided, that, by Payments or Investments made out of the Common Fund of the Ecclesiastical Commissioners, or by means of an actual Conveyance and Assignment of Lands, Tithes, or other Hereditaments, vested or to be vested 40

vested in them as therein mentioned, or of a Portion thereof, additional Provision shall be made by the Authority therein provided for the Cure of Souls in Parishes where such Assistance is most required; provided always, that in making any such additional Provision out
5 of any Tithes, or any Lands or other Hereditaments allotted or assigned in lieu of Tithes so vested or to be vested in the said Commissioners, or out of the Rents and Profits thereof, due Consideration shall be had of the Wants and Circumstances of the Places in which such Tithes arise or have heretofore arisen:

- 10 In making additional Provision for the Cure of Souls under the said Enactment out of any Glebe Lands vested in the said Commissioners, or the Rents and Profits thereof, due Consideration shall be had of the Wants and Circumstances of the Places in which such Glebe Lands may be situate.

Recited Provision extended to Glebe Land.

- 15 XIII. The last preceding Section, and the Enactment therein recited, requiring due Consideration to be had of the Wants and Circumstances of the Places in which the Tithes arise or have arisen or the Glebe Lands may be situate, shall apply in respect of any Portion of the Revenue of any Ecclesiastical Corporation, aggregate or sole,
20 paid by any Ecclesiastical Corporation, sole or aggregate, to the said Commissioners, so far as such Revenue arises out of Tithes or Lands or other Hereditaments allotted or assigned in lieu of Tithes, or out of Glebe Lands, or out of the Rents or Profits thereof respectively.

Provisions concerning local Claims to apply where Portions of Revenues arising from Tithes, &c. are paid to the Commissioners.

- XIV. In making additional Provision for the Cure of Souls under
25 Section Sixty-seven of the said Act of the Third and Fourth Years of Her Majesty, Preference may be given, if the said Commissioners see fit, to those Places in respect of which Contributions from other Sources are made in aid of Grants out of the Common Fund, but this Enactment shall not prejudice the Proviso at the End of the said
30 Section, or the last Two preceding Sections of this Act.

Preference may be given to Places where Contribution is made in aid Grant.

- XV. Where by this Act it is provided that any Matter in difference shall be referred to Arbitration, the Reference of the Matter in difference shall be made to Two Arbitrators, One to be appointed by each Party, and all the Provisions of "The Common Law Pro-
35 cedure Act, 1854," applicable in the Case of such an Arbitration, shall apply accordingly; and for the Purpose of the Application of the said Act this Act shall be deemed the "Document" authorizing the Reference to Arbitration.

Provision as to Arbitration.

- XVI. And whereas an Act was passed in the Session holden
40 in the Fourteenth and Fifteenth Years of Her Majesty, Chapter One hundred and four, "to facilitate the Management and Improve-
[52.] A 4 " ment

14 & 15 Vict. c. 104. continued until 1st Jan. 1860.

"ment of Episcopal and Capitular Estates in England," which Act was limited in Duration to Three Years from the End of the then Session of Parliament; and by the Act of the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter One hundred and sixteen, the said Act of the Fourteenth and Fifteenth 5 Years of Her Majesty was amended and continued, and, as so amended, has, by an Act of the Session holden in the Nineteenth and Twentieth Years of Her Majesty, Chapter Seventy-four, been further continued for One Year from the End of the last Session of Parliament: And whereas it is expedient that said Act of the Fourteenth and Fifteenth 10 Years of Her Majesty, as amended as aforesaid, should be further continued:

The said Act of the Fourteenth and Fifteenth Years of Her Majesty, as amended by the said Act of the Seventeenth and Eighteenth Years of Her Majesty, shall continue in force until the *First Day* 15 *of January One thousand eight hundred and sixty.*

Ecclesiastical Commission.

A

B I L L

Further to amend the Acts relating to the Ecclesiastical Commissioners, and to continue the Act concerning the Management of Episcopal and Capitular Estates in England.

(Prepared and brought in by
Sir George Grey, Viscount Palmerston, and
Mr. Massey.)

*Ordered, by The House of Commons, to be Printed,
9 June 1857.*

[Bill 52.]

Under 1 oz.

Ecclesiastical Commission Bill.

[AS AMENDED BY THE SELECT COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Repeal of 13 & 14 Vict. c. 94. s. 17.; Sect. 1.

The Lands of each See to vest in the Commissioners on the next Avoidance ; 2.

Lands sufficient to afford the net statutory Income to be secured to each See; 3.

Like Arrangement may be made before next Avoidance, on Request of the Bishop; 4.

The Endowment to be in lieu of the fixed Income ; 5.

Arrangements how to be made; 6.

Lands assigned as Endowments how to be leased ; 7.

Estates Committee to see that Property assigned as Endowment is kept in proper Condition ; 8.

Chapter Accounts to be kept in Form approved by Estates Committee; 9.

Estates Committee may object to Items of Expenditure ; 10.

Chapters empowered with Commissioners Consent to borrow Money
for Repair of Cathedrals; 11.

3 & 4 Vict. c. 113. s. 67. Recited Proviso extended to Glebe Land;
12.

Provisions concerning local Claims to apply to Tithes, &c. of an Ecclesiastical Corporation having a Revenue exceeding its Statutory Income; 13.

Preference may be given to Places where Contribution is made in aid of Grant; 14.

Provision as to Arbitration; 15.

14 & 15 Vict. c. 104. continued until 1st January 1860; 16.

Power to Corporations, with Approval of the Church Estates Commissioners, to sell Lands in possession for facilitating Negotiations with Lessees; 17.

[Bill 136.]

A

Small

Small Portions of Land under Leases usually renewed for the Purposes of Schools may be conveyed absolutely without Payment ; 18.

Trustees and others having Power to raise Money for Renewals may raise Money for Enfranchisements ; 19.

In estimating Value of Twenty-one Years Leases an Extension to 1st August 1880 to be allowed ; 20.

Arrangement may be made for compensating Ecclesiastical Corporations for Loss from the Restriction on the Power of Leasing ; 21.

Upon Treaty for Sale, &c., either Party may require Reference to Arbitration ; 22.

Rules to be observed in Valuation as to Rate of Interest, &c. ; 23.



A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

FURTHER

To amend the Acts relating to the Ecclesiastical Commissioners, and to continue the Act concerning the Management of Episcopal and Capitular Estates in England.

WHEREAS it is expedient to amend the Acts relating to the Ecclesiastical Commissioners for England: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. Section Seventeen of the Act of the Session holden in the Thirteenth and Fourteenth Years of Her Majesty, Chapter Ninety-four, directing the Mode of securing the annual Income of Archbishops and Bishops, shall, as respects every Archbishop and Bishop who shall succeed to a See after the passing of this Act, be repealed.

Repeal of
13 & 14 Vict.
c. 94. s. 17.

II. Upon the first Avoidance of the See of any Archbishop or Bishop in England after the passing of this Act, all the Lands, Hereditaments, and Emoluments of or belonging to such See (except

The Lands
of each See
to vest in
the Commis-
sioners on

[Bill 136.]

A 2

the next
Avoidance.

all Rights of Patronage or Presentation and the Residences of the Archbishop or Bishop) shall become vested absolutely in the Ecclesiastical Commissioners for England, for the Purposes and subject to the Provisions applicable to other Hereditaments vested in the said Commissioners.

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Lands sufficient to afford the net statutory Income to be secured to each See.

III. As soon as conveniently may be after the Lands of a See have become vested in the Commissioners as aforesaid, an Arrangement shall be made for assigning to the Archbishop or Bishop of such See and his Successors, as an Endowment for the See, such of the Lands and Hereditaments then vested in the Ecclesiastical Commissioners for England as in the Judgment of the Estates Committee of the said Ecclesiastical Commissioners may be convenient to be held as such Endowment, and will secure as nearly as may be a net annual Income equal to that named for the Archbishop or Bishop of the See by any Act of Parliament or Order in Council then in force, and no more; and in the meantime, until such Endowment is so assigned, the Ecclesiastical Commissioners shall pay to the Archbishop or Bishop of the See the annual Income named for him as aforesaid, at the Times at which the same would have been payable if this Act had not been passed.

20

Like Arrangement may be made before next Avoidance, on Request of the Bishop.

IV. In case any Archbishop or Bishop who may have succeeded on an Avoidance happening before the passing of this Act, and having an Income named as aforesaid, signify his Willingness to accept an Endowment for his See in Lands and Hereditaments, in lieu of his Income, it shall be lawful to make the like Arrangement for that Purpose as might have been made if the Lands of the See had become vested in the Commissioners as aforesaid, and upon such Arrangement being made all the Lands, Hereditaments, and Emoluments of or belonging to the See, except such as may be assigned under such Arrangement, and such Rights of Patronage or Presentation, and Residences as aforesaid, shall become vested absolutely in the said Ecclesiastical Commissioners.

The Endowment to be in lieu of the fixed Income.

V. When any Arrangement is made under this Act for the Endowment of a See the Lands and Hereditaments thereby assigned shall be the Endowment of the Archbishop or Bishop of the See and his Successors, and shall be taken in lieu of the Income named as aforesaid.

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Arrangements how to be made.

VI. The Arrangements for the Purposes aforesaid shall be made by the Authority and in the Manner by and in which Arrangements for carrying into effect the Recommendations recited in the Act of the

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the

the Session holden in the Sixth and Seventh Years of King William the Fourth, Chapter Seventy-seven, may now be made.

VII. No Lands assigned or secured as the Endowment of any See under this Act shall be granted by the Archbishop or Bishop otherwise than from Year to Year, or for a Term of Years in possession not exceeding Twenty-one Years, at the best annual Rent that can be reasonably gotten without Fine, the Lessee not to be made punishable for Waste, or exempted from Liability in respect of Waste; provided always, that it shall be lawful for the Archbishop or Bishop, with the Approval of the Estates Committee of the Ecclesiastical Commissioners, testified under the Common Seal of the said Commissioners, which the said Committee are hereby empowered to affix to any Lease for this Purpose, from Time to Time to grant Mining or Building or other improving Leases of any such Lands, for such Considerations, upon such Terms; and generally in such Manner as such Committee under the Circumstances of each Case may think fit, and it shall be lawful for such Committee to require that any Portion of the Rent reserved on any such Lease shall be payable to the said Ecclesiastical Commissioners.

Lands as signed as Endowments how to be leased.

VIII. The Estates Committee shall cause the Property assigned as an Endowment for any See as aforesaid to be inspected so often as they think fit, and shall cause Notice in Writing of all Dilapidations or Want of Repair found on such Inspection, and of the Repairs or Works necessary for remedying the same, to be given to the Archbishop or Bishop of such See, and such Archbishop or Bishop shall forthwith do or cause to be done, at his own Expense or at the Expense of his Lessees or Tenants (as the Case may require), the Repairs or Works mentioned in such Notice; and if any Difference arise between such Archbishop or Bishop and the Estates Committee with regard to the Condition of such Property, or the Repairs or Works required by the Estates Committee, the Matter in difference shall be referred to Arbitration as herein-after provided.

Estates Committee to see that Property assigned as Endowment is kept in proper Condition.

IX. The Estates Committee shall, as soon as conveniently may be, prepare Forms of Account according to which Chapters of Cathedral or Collegiate Churches in England shall, upon Requisition to that Effect being made to them under the Common Seal of the said Commissioners, which Seal the Estates Committee are hereby empowered to affix to such Requisition, enter the Receipts, Expenditure, and periodical Divisions of the Proceeds of their Capitular Endowments; and every Chapter shall cause to be delivered to the Estates Committee a Copy or Abstract of every such Account, verified in

Chapter Accounts to be kept in Form approved by Estates Committee.

such Manner as the Committee may require, as soon as conveniently may be after the Time of making up the Accounts.

Estates
Committee
may object
to Items of
Expenditure.

X. The Estates Committee shall be entitled to require from every Chapter Information in detail as to any Item in any such Account as aforesaid, and may object to any Item which they may think should not be payable or should not be wholly payable out of the Income or Funds of such Chapter; and if on any Objection being made to any Item by such Committee the Chapter do not agree to withdraw such Item from the Account or reduce the same, in pursuance of such Objection, the Matter in difference shall be referred to Arbitration as herein-after provided.

Chapters
empowered
with Com-
missioners
Consent to
borrow
Money for
Repair of
Cathedrals.

XI. Whenever the Dean and Chapter of any Cathedral or Collegiate Church shall make it appear to the Ecclesiastical Commissioners for England that it would be expedient to lay out in the Reparation of the Fabric of their Church a Sum of Money exceeding the annual Amount of the Fund primarily applicable to such Reparation, it shall be lawful, by the Authority and in manner herein provided in respect of Arrangements, to make Arrangements for the lending by the Governors of Queen Anne's Bounty, and for the borrowing and Repayment by the said Dean and Chapter, of such a Sum as the said Commissioners shall, under the Circumstances, think suitable for such Purpose; and the Expenditure of the Money so to be borrowed shall be regulated in such Manner as shall be directed by the like Authority.

3 & 4 Vict.
c. 113. s. 67.

XII. And whereas by the Act of the Session holden in the Third and Fourth Years of Her Majesty, Chapter One hundred and thirteen, Section Sixty-seven, it is provided, that, by Payments or Investments made out of the Common Fund of the Ecclesiastical Commissioners, or by means of an actual Conveyance and Assignment of Lands, Tithes, or other Hereditaments, vested or to be vested in them as therein mentioned, or of a Portion thereof, additional Provision shall be made by the Authority therein provided for the Cure of Souls in Parishes where such Assistance is most required; provided always, that in making any such additional Provision out of any Tithes, or any Lands or other Hereditaments allotted or assigned in lieu of Tithes so vested or to be vested in the said Commissioners, or out of the Rents and Profits thereof, due Consideration shall be had of the Wants and Circumstances of the Places in which such Tithes arise or have heretofore arisen:

Recited Pro-
vision ex-
tended to
Glebe Land.

In making additional Provision for the Cure of Souls under the said Enactment out of any rectorial Glebe Lands vested in the said Commissioners, or the Rents and Profits thereof, due Consideration shall

shall be had of the Wants and Circumstances of the Places in which such Glebe Lands may be situate.

- XIII. Where any Ecclesiastical Corporation Aggregate or Sole is in the Receipt of an Income fixed by Act of Parliament, and the Estates of such Corporation yield an annual Income greater than the Income so fixed, and a Portion of such annual Income arises out of Tithes, or any Lands or other Hereditaments assigned in lieu of Tithes, or out of rectorial Glebe Lands, it shall be lawful for the Ecclesiastical Commissioners to make out of such Tithes, or Lands or Hereditaments assigned in lieu thereof, or Glebe Lands as aforesaid, or out of the Rents and Profits thereof, such Provision as may seem to them needful for the Cure of Souls in the Parish or Place in which such Tithes now arise or have arisen, or in which such Glebe Lands are situate, in the same Manner and to the same Extent in and to which such Provision might be made if the said Tithes, or Lands and Hereditaments assigned in lieu of Tithes, or such Glebe Lands, were actually vested in the Commissioners.

Provisions concerning local Claims to apply to Tithes, &c. of an Ecclesiastical Corporation having a Revenue exceeding its Statutory Income.

- XIV. In making additional Provision for the Cure of Souls under Section Sixty-seven of the said Act of the Third and Fourth Years of Her Majesty, Preference may be given, if the said Commissioners see fit, to those Places in respect of which Contributions from other Sources are made in aid of Grants out of the Common Fund, but this Enactment shall not prejudice the Proviso at the End of the said Section, or the last Two preceding Sections of this Act.

Preference may be given to Places where Contribution is made in aid of Grant.

- XV. Where by this Act it is provided that any Matter in difference shall be referred to Arbitration, the Reference of the Matter in difference shall be made to Two Arbitrators, One to be appointed by each Party, and all the Provisions of "The Common Law Procedure Act, 1854," applicable in the Case of such an Arbitration, shall apply accordingly; and for the Purpose of the Application of the said Act this Act shall be deemed the "Document" authorizing the Reference to Arbitration; and where any Matter is so referred, the Award of the Arbitrators or Umpire shall be final.

Provision as to Arbitration.

- XVI. And whereas an Act was passed in the Session holden in the Fourteenth and Fifteenth Years of Her Majesty, Chapter One hundred and four, "to facilitate the Management and Improvement of Episcopal and Capitular Estates in England," which Act was limited in Duration to Three Years from the End of the then Session of Parliament; and by the Act of the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter One hundred and sixteen, the said Act of the Fourteenth and Fifteenth

14 & 15 Vict. c. 104. continued until 1st Jan. 1860.

Years of Her Majesty was amended and continued, and, as so amended, has, by an Act of the Session holden in the Nineteenth and Twentieth Years of Her Majesty, Chapter Seventy-four, been further continued for One Year from the End of the last Session of Parliament; And whereas it is expedient that said Act of the Fourteenth and Fifteenth 5 Years of Her Majesty, as amended as aforesaid, should be further continued and amended:

The said Act of the Fourteenth and Fifteenth Years of Her Majesty, as amended by the said Act of the Seventeenth and Eighteenth Years of Her Majesty and this Act, shall continue in force until 10 the First Day of January One thousand eight hundred and sixty, and until the End of the then next Session of Parliament.

Power to
Corpora-
tions, with
Approval of
the Church
Estates Com-
missioners,
to sell Lands
in possession
for facilitat-
ing Negotia-
tions with
Lessees.

XVII. Where it appears to the Church Estates Commissioners that Inconvenience is occasioned in the Negotiations between any Eccle-
siastical Corporation Sole or Aggregate and its Lessees (in relation to 15
Property which it is now authorized to dispose of), by reason of its
Disability to sell or exchange intermixed or other Lands held by
such Corporation in possession, or for some other Estate which it is
not now authorized to dispose of, it shall be lawful for such Eccle-
siastical Corporation, with the Approval in Writing of the said 20
Church Estates Commissioners, to sell any such Lands (whether of
Freehold or Copyhold or Customary Tenure), or to exchange any
such Lands for other Lands or any Estate or Interest therein; and
all the Provisions of the said Act of the Fourteenth and Fifteenth
Years of Her Majesty, as amended by the said Act of the Seven- 25
teenth and Eighteenth Years of Her Majesty and this Act, autho-
rizing the receiving or paying of Money by way of Equality of
Exchange, and concerning the Payment, Application, and Investment
of any Money payable to or for the Benefit of any such Corporation
on any such Sale, Exchange, or Enfranchisement as is mentioned in the 30
said Act of the Fourteenth and Fifteenth Years of Her Majesty, and
all other the Provisions of the said Acts in anywise applicable for
effectuating any such Sale, Exchange, or Enfranchisement, or in con-
sequence thereof, shall, so far as the Nature of the Case may require,
extend and be applicable to and in consequence of any Sale or 35
Exchange authorized by this Act.

Small Por-
tions of Land
under Leases
usually re-
newed for
the Purposes
of Schools,
may be con-
veyed abso-
lutely with-
out Pay-
ment.

XVIII. Where it appears to the Church Estates Commissioners that any such Ecclesiastical Corporation has been accustomed to renew without Payment of any Fine, or for a nominal Fine, the Lease of
any Lands used for the Purposes of a School, or the Support or 40
Maintenance thereof, it shall be lawful for such Corporation, with the
Approval in Writing of the Church Estates Commissioners, or, where
the Lands have become vested in the Ecclesiastical Commissioners,
for

for such Commissioners, to convey to the Trustees or other Persons to whom a Renewal of such Lease might have been granted in trust for the Purposes of such School all or any Part of such Lands, for the whole Estate of such Corporation therein, without requiring the

5 Payment of any Consideration for the same; and every Conveyance in pursuance of this Provision shall be made and confirmed as provided by Section Five of the said Act of the Fourteenth and Fifteenth Years of Her Majesty with reference to such Conveyances as therein mentioned.

10 XIX. In any Case in which any Estate or Interest under any Lease or Grant made by any such Ecclesiastical Corporation may be vested in any Person or Persons as a Trustee or Trustees, whether
expressly or by Implication of Law, with Power to raise Money for
the Purpose of procuring a Renewal of such Lease or Grant, and in
15 every other Case in which a Power is vested in any Person or Persons
for that Purpose, it shall be lawful for such Person or Persons to raise
Money for the Purpose of purchasing the Reversion of or otherwise
enfranchising the Property comprised in such Lease or Grant, and to
apply the same accordingly in the same Manner, and subject to the
20 same Conditions, mutatis mutandis, so far as the same may be appli-
cable to the Case, as such Person or Persons might by virtue of such
Power have raised Money for the Purpose of renewing such Lease or
Grant, and have applied the same accordingly.

Trustees and
others hav-
ing Power
to raise
Money for
Renewals;
may raise
Money for
Enfranchise-
ments.

XX. In estimating for the Purposes of any Sale, Purchase, or
25 Exchange under the said Acts of the Fourteenth and Fifteenth Years
and Seventeenth and Eighteenth Years of Her Majesty, and this Act,
or any of them, the Value of the Estate or Interest of any Lessee of
any Lands holden of any Ecclesiastical Corporation or of the Eccle-
siastical Commissioners under any Lease granted for a Term of
30 Twenty-one Years, an Extension of the unexpired Term to the
First Day of August One thousand eight hundred and eighty at
the accustomed Rate of Fine shall, as a Rule, be allowed, and no
Lease for such Term of Twenty-one Years shall be extended beyond
the said First Day of August One thousand eight hundred and
35 eighty.

In estimat-
ing Value of
21 Years
Leases an
Extension
to 1st Au-
gust 1880 to
be allowed.

XXI. Where any Ecclesiastical Corporation Sole not having a fixed
Income, or any Ecclesiastical Corporation Aggregate of which any of
the Members have not fixed Incomes, represent and show to the Eccle-
siastical Commissioners that such Corporation, by reason of the
40 Restriction herein-before contained, on the Power of granting
Leases for Twenty-one Years, will suffer a Diminution of Income,
and that such Corporation is willing to surrender the Estates in
[136.] B respect

Arrange-
ment may be
made for
compensat-
ing Eccle-
siastical Cor-
porations for
Loss from
the Restriction on the
Power of
Leasing.

respect of which the Loss will arise, an Arrangement shall be made for vesting such Estates in the Ecclesiastical Commissioners, and for compensating the Ecclesiastical Corporation, or the Members thereof not having fixed Incomes, in respect of the Diminution of Income.

Upon Treaty
for Sale, &c.
either Party
may require
Reference to
Arbitration.

XXII. In any Case where a Treaty shall have been entered into 5
under the said Acts of the Fourteenth and Fifteenth Years and Seven-
teenth and Eighteenth Years of Her Majesty, and this Act or any of
them, for any Sale, Exchange, or Purchase, it shall be lawful for
either Party to require the other Party to join in referring to Arbitra-
tion the finding of the annual Value of the Property comprised in the 10
Lease or Grant, and of the Value of the Fee Simple, and when such
Values have been found it shall be binding on both Parties, if either
Party require, to proceed to such Sale, Exchange, or Purchase, on
Terms to be computed according to such finding.

Rules to be
observed in
Valuation as
to Rate of
Interest, &c.

XXIII. Provided always, That upon any Arbitration under the 15
said Act of the Seventeenth and Eighteenth Years of Her Majesty,
or this Act, where any Lease shall relate to Lands (except Building
Ground or Houses), the beneficial Interest of the Lessee shall be valued
at the same Rate of Interest at which the Value of the Fee Simple 20
has been determined; and where such Lease shall relate to Houses
or Building Ground, it shall be lawful for the Arbitrators simply
to find the gross Sum to be paid for such Sale or Enfranchisement
in such Manner as they shall deem just; provided also, that in
all Cases regard shall be had to the long-continued Practice of
Renewal.

Ecclesiastical Commission.

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B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

Further to amend the Acts relating to the Ecclesiastical Commissioners, and to continue the Act concerning the Management of Episcopal and Capitular Estates in England.

(*Prepared and brought in by*
Sir George Grey, Viscount Palmerston, and
Mr. Massey.)

Ordered, by The House of Commons, to be Printed,
17 July 1857.

[B11 186.]

Under 2 oz.

Ecclesiastical Commission Bill.

[AS AMENDED BY THE SELECT COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Repeal of 13 & 14 Vict. c. 94. s. 17.; Sect. 1.

The Lands of each See to vest in the Commissioners on the next Avoidance; 2.

Lands sufficient to afford the net statutory Income to be secured to each See; 3.

Like Arrangement may be made before next Avoidance, on Request of the Bishop; 4.

The Endowment to be in lieu of the fixed Income; 5.

Arrangements how to be made; 6.

Lands assigned as Endowments how to be leased; 7.

Estates Committee to see that Property assigned as Endowment is kept in proper Condition; 8.

Chapter Accounts to be kept in Form approved by Estates Committee; 9.

Estates Committee may object to Items of Expenditure; 10.

Chapters empowered with Commissioners Consent to borrow Money for Repair of Cathedrals; 11.

3 & 4 Vict. c. 113. s. 67. Recited Proviso extended to Glebe Land; 12.

Provisions concerning local Claims to apply to Tithes, &c. of an Ecclesiastical Corporation having a Revenue exceeding its Statutory Income; 13.

Preference may be given to Places where Contribution is made in aid of Grant; 14.

Provision as to Arbitration; 15.

14 & 15 Vict. c. 104. continued until 1st January 1860; 16.

Power to Corporations, with Approval of the Church Estates Commissioners, to sell Lands in possession for facilitating Negotiations with Lessees; 17.

[Bill 177.]

A

Small

Small Portions of Land under Leases usually renewed for the Purposes of Schools may be conveyed absolutely without Payment ; 18.

Trustees and others having Power to raise Money for Renewals may raise Money for Enfranchisements ; 19.

In estimating Value of Twenty-one Years Leases an Extension to 1st August 1880 to be allowed ; 20.

Arrangement may be made for compensating Ecclesiastical Corporations for Loss from the Restriction on the Power of Leasing ; 21.

Upon Treaty for Sale, &c., either Party may require Reference to Arbitration ; 22.

Rules to be observed in Valuation as to Rate of Interest, &c. ; 23.

CLAUSE A.—Arrangements to be revised on Avoidance ; 24.

CLAUSE B.—When Ecclesiastical Corporations have been accustomed to renew Leases, Lands may be conveyed by such Corporations without Consideration ; 25.

CLAUSE C.—When Ecclesiastical Corporations have been accustomed to reserve Rent, the whole Estates may be conveyed to Incumbent without Consideration ; 26.

CLAUSE D.—Not to apply to Christ Church, Oxford ; 27.

5 August 1857. 20 & 21 VICT.



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B I L L

[AS AMENDED BY THE SELECT COMMITTEE AND ON
RE-COMMITMENT]

FURTHER

To amend the Acts relating to the Ecclesiastical
Commissioners, and to continue the Act concern-
ing the Management of Episcopal and Capitular
Estates in England.

WHEREAS it is expedient to amend the Acts relating to Preamble.
the Ecclesiastical Commissioners for England: Be it
enacted by the Queen's most Excellent Majesty, by and
with the Advice and Consent of the Lords Spiritual and Temporal,
5 and Commons, in this present Parliament assembled, and by the
Authority of the same, as follows:

I. Section Seventeen of the Act of the Session holden in the Thirteenth and Fourteenth Years of Her Majesty, Chapter Ninety-
four, directing the Mode of securing the annual Income of Arch-
10 bishops and Bishops, shall, as respects every Archbishop and Bishop
who shall succeed to a See after the passing of this Act, be repealed.

Repeal of
13 & 14 Vict.
c. 94. s. 17.

II. Upon the first Avoidance of the See of any Archbishop or
Bishop in England after the passing of this Act, all the Lands,
Hereditaments, and Emoluments of or belonging to such See (except
The Lands
of each See
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[Bill 177.]

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all Rights of Patronage or Presentation and the Residences of the Archbishop or Bishop) shall become vested absolutely in the Ecclesiastical Commissioners for England, for the Purposes and subject to the Provisions applicable to other Hereditaments vested in the said Commissioners.

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Lands suffi-
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Income to be
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III. As soon as conveniently may be after the Lands of a See have become vested in the Commissioners as aforesaid, an Arrangement shall be made for assigning to the Archbishop or Bishop of such See and his Successors, as an Endowment for the See, such of the Lands and Hereditaments then vested in the Ecclesiastical Commis- 10
sioners for England as in the Judgment of the Estates Committee of the said Ecclesiastical Commissioners, and subject to the Approbation of such Archbishop or Bishop, as may be deemed convenient to be held as such Endowment, and will secure as nearly as may be a net annual Income equal to that named for the Archbishop or Bishop of the 15
See by any Act of Parliament or Order in Council then in force, and no more; and in the meantime, until such Endowment is so assigned, the Ecclesiastical Commissioners shall pay to the Archbishop or Bishop of the See the annual Income named for him as aforesaid, at the Times at which the same would have been payable if this Act 20
had not been passed.

Like Ar-
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may be made
before next
Avoidance,
on Request
of the Bishop.

IV. In case any Archbishop or Bishop who may have succeeded on an Avoidance happening before the passing of this Act, and having an Income named as aforesaid, signify his Willingness to accept an Endowment for his See in Lands and Hereditaments, in lieu of his 25
Income, it shall be lawful to make the like Arrangement for that Purpose as might have been made if the Lands of the See had become vested in the Commissioners as aforesaid, and upon such Arrangement being made all the Lands, Hereditaments, and Emolu-
ments of or belonging to the See, except such as may be assigned 30
under such Arrangement, and such Rights of Patronage or Presenta-
tion, and Residences as aforesaid, shall become vested absolutely in the said Ecclesiastical Commissioners.

The Endow-
ment to be
in lieu of the
fixed Income.

V. When any Arrangement is made under this Act for the Endowment of a See the Lands and Hereditaments thereby as- 35
signed shall be the Endowment of the Archbishop or Bishop of the See and his Successors, and shall be taken in lieu of the Income named as aforesaid.

Arrange-
ments how
to be made.

VI. The Arrangements for the Purposes aforesaid shall be made by the Authority and in the Manner by and in which Arrangements 40
for carrying into effect the Recommendations recited in the Act of
the

the Session holden in the Sixth and Seventh Years of King William the Fourth, Chapter Seventy-seven, may now be made.

VII. No Lands assigned or secured as the Endowment of any See under this Act shall be granted by the Archbishop or Bishop otherwise than from Year to Year, or for a Term of Years in possession not exceeding Twenty-one Years, at the best annual Rent that can be reasonably gotten without Fine, the Lessee not to be made punishable for Waste, or exempted from Liability in respect of Waste; provided always, that it shall be lawful for the Archbishop or Bishop, with the Approval of the Estates Committee of the Ecclesiastical Commissioners, testified under the Common Seal of the said Commissioners, which the said Committee are hereby empowered to affix to any Lease for this Purpose, from Time to Time to grant Mining or Building or other improving Leases of any such Lands, for such Periods, for such Considerations, upon such Terms, and generally in such Manner as such Committee under the Circumstances of each Case may think fit, and it shall be lawful for such Committee to require that any Portion of the Rent reserved on any such Lease shall be payable to the said Ecclesiastical Commissioners.

Lands assigned as Endowments how to be leased.

VIII. The Estates Committee shall cause the Property assigned as an Endowment for any See as aforesaid to be inspected so often as they think fit, and shall cause Notice in Writing of all Dilapidations or Want of Repair found on such Inspection, and of the Repairs or Works necessary for remedying the same, to be given to the Archbishop or Bishop of such See, and such Archbishop or Bishop shall forthwith do or cause to be done, at his own Expense or at the Expense of his Lessees or Tenants (as the Case may require), the Repairs or Works mentioned in such Notice; and if any Difference arise between such Archbishop or Bishop and the Estates Committee with regard to the Condition of such Property, or the Repairs or Works required by the Estates Committee, the Matter in difference shall be referred to Arbitration as herein-after provided.

Estates Committee to see that Property assigned as Endowment is kept in proper Condition.

IX. The Estates Committee shall, as soon as conveniently may be, prepare Forms of Account according to which Chapters of Cathedral or Collegiate Churches in England shall, upon Requisition to that Effect being made to them under the Common Seal of the said Commissioners, which Seal the Estates Committee are hereby empowered to affix to such Requisition, enter the Receipts, Expenditure, and periodical Divisions of the Proceeds of their Capitular Endowments; and every Chapter shall cause to be delivered to the Estates Committee a Copy or Abstract of every such Account, verified in

Chapter Accounts to be kept in Form approved by Estates Committee.

such Manner as the Committee may require, as soon as conveniently may be after the Time of making up the Accounts.

Estates
Committee
may object
to Items of
Expenditure.

X. The Estates Committee shall be entitled to require from every Chapter Information in detail as to any Item in any such Account as aforesaid, and may object to any Item which they may think should not be payable or should not be wholly payable out of the Income or Funds of such Chapter; and if on any Objection being made to any Item by such Committee the Chapter do not agree to withdraw such Item from the Account or reduce the same, in pursuance of such Objection, the Matter in difference shall be referred to Arbitration as herein-after provided. 10

Chapters
empowered
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missioners
Consent to
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Money for
Repair of
Cathedrals.

XI. Whenever the Dean and Chapter of any Cathedral or Collegiate Church shall make it appear to the Ecclesiastical Commissioners for England that it would be expedient to lay out in the Reparation of the Fabric of their Church a Sum of Money exceeding the annual Amount of the Fund primarily applicable to such Reparation, it shall be lawful, by the Authority and in manner herein provided in respect of Arrangements, to make Arrangements for the lending by the Governors of Queen Anne's Bounty, and for the borrowing and Repayment by the said Dean and Chapter, of such a Sum as the said Commissioners shall, under the Circumstances, think suitable for such Purpose; and the Expenditure of the Money so to be borrowed shall be regulated in such Manner as shall be directed by the like Authority. 20

3 & 4 Vict.
c. 113. s. 67.

XII. And whereas by the Act of the Session holden in the Third and Fourth Years of Her Majesty, Chapter One hundred and thirteen, Section Sixty-seven, it is provided, that, by Payments or Investments made out of the Common Fund of the Ecclesiastical Commissioners, or by means of an actual Conveyance and Assignment of Lands, Tithes, or other Hereditaments, vested or to be vested in them as therein mentioned, or of a Portion thereof, additional Provision shall be made by the Authority therein provided for the Cure of Souls in Parishes where such Assistance is most required; provided always, that in making any such additional Provision out of any Tithes, or any Lands or other Hereditaments allotted or assigned in lieu of Tithes so vested or to be vested in the said Commissioners, or out of the Rents and Profits thereof, due Consideration shall be had of the Wants and Circumstances of the Places in which such Tithes arise or have heretofore arisen: 25 30 35

Recited Pro-
vision ex-
tended to
Glebe Land.

In making additional Provision for the Cure of Souls under the said Enactment out of any rectorial Glebe Lands vested in the said Commissioners, or the Rents and Profits thereof, due Consideration shall 40 shall

shall be had of the Wants and Circumstances of the Places in which such Glebe Lands may be situate.

XIII. Where any Ecclesiastical Corporation Aggregate or Sole is in the Receipt of an Income fixed by Act of Parliament, and the Estates of such Corporation yield an annual Income greater than the Income so fixed, and a Portion of such annual Income arises out of Tithes, or any Lands or other Hereditaments assigned in lieu of Tithes, or out of rectorial Glebe Lands, it shall be lawful for the Ecclesiastical Commissioners to make out of such Tithes, or Lands or Hereditaments assigned in lieu thereof, or Glebe Lands as aforesaid, or out of the Rents and Profits thereof, such Provision as may seem to them needful for the Cure of Souls in the Parish or Place in which such Tithes now arise or have arisen, or in which such Glebe Lands are situate, in the same Manner and to the same Extent in and to which such Provision might be made if the said Tithes, or Lands and Hereditaments assigned in lieu of Tithes, or such Glebe Lands, were actually vested in the Commissioners.

Provisions concerning local Claims to apply to Tithes, &c. of an Ecclesiastical Corporation having a Revenue exceeding its Statutory Income.

XIV. In making additional Provision for the Cure of Souls under Section Sixty-seven of the said Act of the Third and Fourth Years of Her Majesty, Preference may be given, if the said Commissioners see fit, to those Places in respect of which Contributions from other Sources are made in aid of Grants out of the Common Fund, but this Enactment shall not prejudice the Proviso at the End of the said Section, or the last Two preceding Sections of this Act.

Preference may be given to Places where Contribution is made in aid of Grant.

XV. Where by this Act it is provided that any Matter in difference shall be referred to Arbitration, the Reference of the Matter in difference shall be made to Two Arbitrators, One to be appointed by each Party, and all the Provisions of "The Common Law Procedure Act, 1854," applicable in the Case of such an Arbitration, shall apply accordingly; and for the Purpose of the Application of the said Act this Act shall be deemed the "Document" authorizing the Reference to Arbitration; and where any Matter is so referred, the Award of the Arbitrators or Umpire shall be final.

Provision as to Arbitration.

XVI. And whereas an Act was passed in the Session holden in the Fourteenth and Fifteenth Years of Her Majesty, Chapter One hundred and four, "to facilitate the Management and Improvement of Episcopal and Capitular Estates in England," which Act was limited in Duration to Three Years from the End of the then Session of Parliament; and by the Act of the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter One hundred and sixteen, the said Act of the Fourteenth and Fifteenth

14 & 15 Vict. c. 104. continued until 1st Jan. 1860.

Years of Her Majesty was amended and continued, and, as so amended, has, by an Act of the Session holden in the Nineteenth and Twentieth Years of Her Majesty, Chapter Seventy-four, been further continued for One Year from the End of the last Session of Parliament: And whereas it is expedient that said Act of the Fourteenth and Fifteenth 5 Years of Her Majesty, as amended as aforesaid, should be further continued and amended:

The said Act of the Fourteenth and Fifteenth Years of Her Majesty, as amended by the said Act of the Seventeenth and Eighteenth Years of Her Majesty and this Act, shall continue in force until 10 the First Day of January One thousand eight hundred and sixty, and until the End of the then next Session of Parliament.

Power to
Corpora-
tions, with
Approval of
the Church
Estates Com-
missioners,
to sell Lands
in possession
for facilitat-
ing Negotia-
tions with
Lessees.

XVII. Where it appears to the Church Estates Commissioners that Inconvenience is occasioned in the Negotiations between any Eccle-
siastical Corporation Sole or Aggregate and its Lessees (in relation to 15
Property which it is now authorized to dispose of), by reason of its
Disability to sell or exchange intermixed or other Lands held by
such Corporation in possession, or for some other Estate which it is
not now authorized to dispose of, it shall be lawful for such Eccle-
siastical Corporation, with the Approval in Writing of the said 20
Church Estates Commissioners, to sell any such Lands (whether of
Freehold or Copyhold or Customary Tenure), or to exchange any
such Lands for other Lands or any Estate or Interest therein; and
all the Provisions of the said Act of the Fourteenth and Fifteenth
Years of Her Majesty, as amended by the said Act of the Seven- 25
teenth and Eighteenth Years of Her Majesty and this Act, autho-
rizing the receiving or paying of Money by way of Equality of
Exchange, and concerning the Payment, Application, and Investment
of any Money payable to or for the Benefit of any such Corporation
on any such Sale, Exchange, or Enfranchisement as is mentioned in the 30
said Act of the Fourteenth and Fifteenth Years of Her Majesty, and
all other the Provisions of the said Acts in anywise applicable for
effectuating any such Sale, Exchange, or Enfranchisement, or in con-
sequence thereof, shall, so far as the Nature of the Case may require,
extend and be applicable to and in consequence of any Sale or 35
Exchange authorized by this Act.

Small Por-
tions of Land
under Leases
usually re-
newed for
the Purposes
of Schools,
may be con-
veyed abso-
lutely with-
out Pay-
ment.

XVIII. Where it appears to the Church Estates Commissioners that
any such Ecclesiastical Corporation has been accustomed to renew
without Payment of any Fine, or for a nominal Fine, the Lease of
any Lands used for the Purposes of a School, or the Support or 40
Maintenance thereof, it shall be lawful for such Corporation, with the
Approval in Writing of the Church Estates Commissioners, or, where
the Lands have become vested in the Ecclesiastical Commissioners,
for

for such Commissioners, to convey to the Trustees or other Persons to whom a Renewal of such Lease might have been granted in trust for the Purposes of such School all or any Part of such Lands, for the whole Estate of such Corporation therein, without requiring the

5 Payment of any Consideration for the same; and every Conveyance in pursuance of this Provision shall be made and confirmed as provided by Section Five of the said Act of the Fourteenth and Fifteenth Years of Her Majesty with reference to such Conveyances as therein mentioned.

- 10 XIX. In any Case in which any Estate or Interest under any Lease or Grant made by any such Ecclesiastical Corporation may be vested in any Person or Persons as a Trustee or Trustees, whether expressly or by Implication of Law, with Power to raise Money for the Purpose of procuring a Renewal of such Lease or Grant, and in
- 15 every other Case in which a Power is vested in any Person or Persons for that Purpose, it shall be lawful for such Person or Persons to raise Money for the Purpose of purchasing the Reversion of or otherwise enfranchising the Property comprised in such Lease or Grant, and to apply the same accordingly in the same Manner, and subject to the
- 20 same Conditions, mutatis mutandis, so far as the same may be applicable to the Case, as such Person or Persons might by virtue of such Power have raised Money for the Purpose of renewing such Lease or Grant, and have applied the same accordingly.

Trustees and others having Power to raise Money for Renewals may raise Money for Enfranchisements.

- XX. In estimating for the Purposes of any Sale, Purchase, or
- 25 Exchange under the said Acts of the Fourteenth and Fifteenth Years and Seventeenth and Eighteenth Years of Her Majesty, and this Act, or any of them, the Value of the Estate or Interest of any Lessee of any Lands holden of any Ecclesiastical Corporation or of the Ecclesiastical Commissioners under any Lease granted for a Term of
- 30 Twenty-one Years, an Extension of the unexpired Term to the First Day of August One thousand eight hundred and eighty at the accustomed Rate of Fine shall, as a Rule, be allowed, and no Lease for such Term of Twenty-one Years shall be extended beyond the said First Day of August One thousand eight hundred and
- 35 eighty.

In estimating Value of 21 Years Leases an Extension to 1st August 1880 to be allowed.

- XXI. Where any Ecclesiastical Corporation Sole not having a fixed Income, or any Ecclesiastical Corporation Aggregate of which any of the Members have not fixed Incomes, represent and show to the Ecclesiastical Commissioners that such Corporation, by reason of the
- 40 Restriction herein-before contained, on the Power of granting Leases for Twenty-one Years, will suffer a Diminution of Income, and that such Corporation is willing to surrender the Estates in
- [177.] B respect

Arrangement may be made for compensating Ecclesiastical Corporations for Loss from the Restriction on the Power of Leasing.

respect of which the Loss will arise, an Arrangement shall be made for vesting such Estates in the Ecclesiastical Commissioners, and for compensating the Ecclesiastical Corporation, or the Members thereof not having fixed Incomes, in respect of the Diminution of Income.

Upon Treaty
for Sale, &c.
either Party
may require
Reference to
Arbitration.

XXII. In any Case where a Treaty shall have been entered into 5
under the said Acts of the Fourteenth and Fifteenth Years and Seven-
teenth and Eighteenth Years of Her Majesty, and this Act or any of
them, for any Sale, Exchange, or Purchase, it shall be lawful for
either Party to require the other Party to join in referring to Arbitra-
tion the finding of the annual Value of the Property comprised in the 10
Lease or Grant, and of the Value of the Fee Simple, and when such
Values have been found it shall be binding on both Parties, if either
Party require, to proceed to such Sale, Exchange, or Purchase, on
Terms to be computed according to such finding.

Rules to be
observed in
Valuation as
to Rate of
Interest, &c.

XXIII. Provided always, That upon any Arbitration under the 15
said Act of the Seventeenth and Eighteenth Years of Her Majesty,
or this Act, where any Lease shall relate to Lands (except Building
Ground or Houses), the beneficial Interest of the Lessee shall be valued
at the same Rate of Interest at which the Value of the Fee Simple
has been determined; and where such Lease shall relate to Houses 20
or Building Ground, it shall be lawful for the Arbitrators simply
to find the gross Sum to be paid for such Sale or Enfranchisement
in such Manner as they shall deem just; provided also, that in
all Cases regard shall be had to the long-continued Practice of
Renewal. 25

CLAUSE A.
Arrange-
ments to be
revised on
Avoidance.

XXIV. On the Avoidance from Time to Time of any See, after
the Assignment of an Endowment for the same, the Estates Com-
mittee of the Ecclesiastical Commissioners shall revise the Arrange-
ment in force in relation to such Endowment, and for that Purpose
inquire into the State and Productiveness of such Endowment, and if 30
such Endowment, in the Judgment of the Committee, will secure a
net annual Income exceeding that named for the Archbishop or
Bishop as aforesaid, or will not secure the full Amount of such
annual Income, such Committee shall report thereon to the said
Ecclesiastical Commissioners, and an Arrangement shall be made 35
by vesting Part of the Lands and Hereditaments constituting such
Endowment in the Ecclesiastical Commissioners, or by assigning
Lands and Hereditaments by way of Addition to such Endowment,
or by means of annual or other Payments to or by the Ecclesiastical
Commissioners, as the Case may require, which may secure, in the 40
Judgment of the said Committee, to the Archbishop or Bishop who
who may succeed upon that Avoidance, the net annual Income so
named, or as near thereto as Circumstances will allow.

XXV. When

XXV. When any Ecclesiastical Corporation, previous to the passing of this Act, has been accustomed to grant or renew, without Payment of any Fine, or for a nominal Fine, the Lease of any Lands, Tenements, Tithe Rentcharges, or other Hereditaments, for
5 the Endowment, either in whole or part, of the Incumbent of any Parish or Chapelry, the whole Estate of such Ecclesiastical Corporation in such Lands, Tenements, Tithe Rentcharges, or other Hereditaments, heretofore held by such Lease, may be lawfully conveyed by such Corporation to the Incumbent, to whom a renewal of such
10 Lease might have been granted without such Corporation requiring the Payment of any valuable Consideration for such Conveyance.

CLAUSE B.
When Ecclesiastical Corporations have been accustomed to renew Leases, Lands may be conveyed by such Corporation without Consideration.

XXVI. When any Ecclesiastical Corporation, previous to the passing of this Act, has been accustomed to reserve any annual Rent or other Payments in any Lease granted or renewed by them
15 for the Endowment, either in whole or part, of the Incumbent of any Parish or Chapelry, the whole Estate of such Ecclesiastical Corporation, in such annual Rents or other Payments heretofore granted and reserved [as aforesaid, may be lawfully conveyed to the Incumbent for whom they are at present reserved, without such Corporation
20 requiring any valuable Consideration for the Conveyance of such Estate.

CLAUSE C.
When Ecclesiastical Corporation has been accustomed to reserve Rent the whole Estates may be conveyed to Incumbent without Consideration.

XXVII. Nothing in this Act contained shall in any Manner affect or apply to the Cathedral or House of Christ Church in Oxford.

CLAUSE D.
Not to apply to Christ Church, Oxford.

Ecclesiastical Commission.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE
AND ON RE-COMMITMENT]

Further to amend the Acts relating to the Ecclesiastical Commissioners, and to continue the Act concerning the Management of Episcopal and Capitular Estates in England.

(*Prepared and brought in by*
Sir George Grey, Viscount Palmerston, and
Mr. Massey.)

Ordered, by The House of Commons, to be Printed,
5 August 1857.

[Bill 177.]

Under 2 oz.

11 May 1857. 20 VICT. (Sess. 2.)



A

B I L L

FURTHER

To provide for the Mode of securing the Incomes of Ecclesiastical Corporations, aggregate and sole.

WHEREAS it is expedient to make further Provision as to Preamble,
the Mode of securing the Incomes of Ecclesiastical Corporations, aggregate and sole: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent
5 of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The following Words and Expressions in this Act shall have the Meanings hereby assigned to them respectively, so far as such
10 Meanings are not excluded by the Context or by the Subject Matter; that is to say,

The Word "Commissioners" shall mean the Ecclesiastical Commissioners for England:

The Word "Bishop" shall include an Archbishop, and the Word
15 "See" shall apply as well to an Archiepiscopal as to an Episcopal See:

The Expression "Canon" shall have the Signification given to it by the Act Third and Fourth Victoria, Chapter One hundred and thirteen:

[Bill 7.]

A

The

The Expression "Lands, Tithes, Tenements, and other Hereditaments" shall have the Signification given to it by the Act Fourth and Fifth Victoria, Chapter Thirty-nine.

Upon the First Avoidance of a See, Lands &c. belonging thereto to vest in Commissioners, and Commissioners to pay fixed Incomes to Bishops.

II. Upon the First Avoidance of any See in England or Wales which shall happen next after the *passing of this Act*, all the Lands, 5 Tithes, Tenements, and other Hereditaments, (excepting any Right of Patronage,) and all other Emoluments and Endowments whatsoever belonging to such See, or enjoyed by the Holder thereof in right of his See, shall, without any Conveyance or Assurance in the Law other than the Provisions of this Act, accrue to and be vested 10 absolutely in the Commissioners and their Successors; and in the meantime, and until a permanent Estate has been provided for such See in manner herein-after directed, the Commissioners shall pay by half-yearly Payments to every Bishop the Estates and Revenues of whose See are hereby transferred to them the clear annual Income 15 fixed and determined in respect of his See.

Upon a Deanery or Canonry becoming vacant, Commissioners entitled to a Share in Corporate Revenues of Chapter in respect of such Deanery and Canonry, as if same had been suppressed or suspended under 3 & 4 Vict. c. 113.

III. Upon the next and every successive Vacancy of a Deanery of or Canonry in any Cathedral or Collegiate Church in England or Wales which shall happen after the *passing of this Act*, the Share to which, if this Act had not been passed, any Successor to such 20 Deanery or Canonry would have been entitled to possess or receive (if duly qualified in all respects according to the Statutes and Usages of his Church to possess or receive the same) of the divisible Corporate Revenues of the Chapter of such Cathedral or Collegiate Church shall become payable and be from Time to Time paid to the Com- 25 missioners, in like Manner as if such Deanery or Canonry had been suppressed or suspended under the said Act Third and Fourth Victoria, Chapter One hundred and thirteen; and the Commissioners shall pay to the Persons who may be from Time to Time appointed to such Deanery or Canonry, being duly qualified as aforesaid, the 30 clear annual Income fixed and determined for such Deanery or Canonry; and if no such Income shall have been fixed at the Time of such Vacancy occurring, the Amount thereof shall be determined in manner herein-after provided.

No Deanery or Canonry to be hereby suppressed or suspended.

IV. Nothing herein contained shall be construed to suppress or 35 suspend any Deanery or Canonry, but Appointments may be made thereto respectively as heretofore.

When Commissioners are entitled to Three Fourths of Corporate

V. Whenever and so soon as the Commissioners shall by virtue of this Act become entitled to *Three Fourth* Parts or Shares of and in the divisible Corporate Revenues of any Chapter, inclusive of the 40 Share or Shares (if any) payable to the Commissioners in respect of
any

any Canonry or Canonries suspended or to be suspended pursuant to the said Act Third and Fourth Victoria, Chapter One hundred and thirteen, then, and without any Conveyance or Assurance in the Law other than the Provisions of this Act, all the Lands, Tithes, Tene-
 5 ments, or other Hereditaments (excepting any Right of Patronage), and all other Endowments and Emoluments whatsoever belonging to such Chapter, or to any Minor Ecclesiastical Corporation within the same, shall, without any Conveyance or Assurance in the Law other than the Provisions of this Act, accrue to and be vested absolutely
 10 in the Commissioners and their Successors; and as soon as the Estates and Revenues of any Chapter shall have become vested in the Commissioners, pursuant to the Provisions of this Act, the Commissioners shall enter into an Arrangement with such Chapter for the Payment to them in the meantime, and until a permanent
 15 Estate has been provided for such Chapter in manner herein-after directed, of such annual or other Sums of Money as may be necessary to defray the Expenses connected with the Cathedral Establishment, as mentioned in the Schedule hereto, and to provide the Incomes of the Dean and Canons.

Revenues of a Chapter, all Estates, &c. of such Chapter to be vested in Commissioners.

20 VI. The Income which the Commissioners are hereby required to pay to the Holder of any Deanery or Canonry shall be the annual Income fixed for the same respectively by Act of Parliament or Order in Council; and if the Income of any Deanery or Canonry shall not be so fixed when the Commissioners are hereby required to pay
 25 the same, such Income shall be determined upon the Average of the annual Income received by the Holder or Holders of such Deanery or Canonry in respect thereof during the preceding *Fourteen Years*.

Mode of determining Incomes of Deans and Canons.

VII. Subject to the Provisions of this Act, the Shares which shall become payable to the Commissioners of the Corporate Revenues of
 30 any Chapter, and the Rents and Profits of the Lands, Tithes, Tenements, and other Hereditaments and Premises vested in them under the Provisions of this Act, together with all Accumulations of Interest arising therefrom, shall be from Time to Time carried to the Common Fund of the Commissioners, and be applicable for all the
 35 Purposes of the same: Provided always, that unless and until a permanent Estate shall have been conveyed in manner herein-after directed to a See or Chapter whose Estates and Revenues have been hereby transferred to the Commissioners, no Portion of the Rents or Profits of such Estates or of such Revenues shall be appli-
 40 cable to the Purposes of the Common Fund, as mentioned in the Sixty-seventh Section of an Act of the Third and Fourth Years of Her Majesty, Chapter One hundred and thirteen, save and except such Share or Shares of the said Rents, Profits, or Revenues as may

Rents and Profits of Lands vested in Commissioners to be carried to their Common Fund.

be or become payable to such Fund under the Authority of the same Act, and of an Act of the Thirteenth and Fourteenth Years of Her Majesty, Chapter Ninety-four.

Estates to be assigned to Bishops and Chapters.

VIII. The Commissioners, as soon as Circumstances will permit, shall, by a Deed or Instrument under their Common Seal, convey to every Bishop and Chapter whose Estates and Revenues shall have become vested in them, pursuant to the Provisions of this Act, such Lands, Tithes, Tenements, or other Hereditaments of a convenient and suitable Nature as shall be sufficient to yield, after deducting Costs of Management, a net annual Income equal in Amount in the Case of a Bishop to the annual Income fixed and determined in respect of his See, and equal in Amount in the Case of a Chapter to the Payment which the Commissioners are herein-before directed to make to such Chapter, when and as soon as its Estates and Revenues become hereby vested in them.

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Payments by the Commissioners to cease after Assignment of Estates.

IX. After any Conveyance of Lands, Tithes, or other Hereditaments to any Bishop or Chapter, pursuant to the foregoing Provision, the Commissioners shall cease to make any Payment to such Bishop or Chapter in respect of Income, or of any other Charges or Expenses whatsoever; and the Lands, Tithes, Tenements, and Hereditaments so conveyed to any such Bishop or Chapter shall thereafter vest absolutely in such Bishop or Chapter and his or their Successors, as the Case may be, without any Conveyance or Assurance in the Law other than the Provisions of this Act.

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Commissioners may inspect Estates assigned to a Bishop or Chapter. Leases must be approved by Commissioners.

X. The Commissioners or their duly authorized Agents or Servants may at any Time survey and inspect the Estate which may have been conveyed by them to any Bishop or Chapter, or may require from such Bishop or Chapter any Information with respect to the Accounts relating to such Estates or the Method or Practice of managing the same, and they may require such Bishop or Chapter to cause to be executed any Repairs necessary for preserving or maintaining the same in good State and Condition; and no Lease of any Lands, Tithes, Tenements, and Hereditaments so conveyed as aforesaid to any Bishop or Chapter shall be granted by such Bishop or Chapter otherwise than from Year to Year, or for a Term of Years in possession not exceeding *Fourteen* Years, at the best Rent that can be reasonably gotten for the same, without any Fine, Premium, or Foregift, except with the Consent of the Commissioners, such Consent to be signified at the Foot of any Lease or Renewal of a Lease under their Common Seal; and no Lessee of any such Lands, Tithes, Tenements, and Hereditaments shall be made dispunishable for Waste, or exempted from Liability in respect of Waste.

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XI. The

XI. The Commissioners may at any Time, by Agreement with any Bishop, or with the Dean and the Majority of Canons in any Chapter, undertake the Management of the permanent Estate which has been conveyed to him or them as aforesaid; in the Case of a Bishop, for and during the Period of his Incumbency; and in the Case of a Chapter, for and during any Period not less than *Fourteen* Years and not more than *Twenty-one* Years; and the Commissioners shall, during the Time such permanent Estate may remain subject to their Management, pay to such Bishop or Chapter, as the Case may be, the net annual Income to secure which such permanent Estate may have been conveyed as aforesaid.

Commissioners may undertake the Management of Estates of Bishops or Chapters.

XII. After the Conveyance of a permanent Estate to any Bishop or Chapter as aforesaid, the Commissioners shall make Inquiry into the Value of the Lands, Tithes, Tenements, and Hereditaments then belonging to such Bishop or Chapter, at the Times herein-after mentioned; that is to say, in the Case of a Bishop, upon the Avoidance of the See; and in the Case of a Chapter, at the Expiration of every Years subsequent to such Conveyance; and in case the net yearly Income derived from such Lands and Premises shall be less than the net yearly Income which the same when conveyed were intended to produce, the Commissioners shall, out of any Lands, Estates, or Revenues for the Time being vested in them, assign an additional Endowment to such Bishop or Chapter, as the Case may be; and in case the net yearly Income of such Lands and Premises shall exceed the net yearly Income which the same when conveyed were intended to produce, the Commissioners shall cause to be transferred to themselves, in such Form and Manner as they shall think fit, such Portion of such Lands and Premises as they shall determine, so that in either Case the net yearly Income of such permanent Estate shall upon every such Inquiry be restored to the Amount which the Lands and Premises originally conveyed were intended to yield, or as near thereto as Circumstances will allow; and the Provisions herein contained with respect to the Conveyance and Valuation of Lands, Tithes, Tenements, or Hereditaments shall apply to any additional Endowment to be assigned as aforesaid.

Commissioners to make periodically a Re-valuation of Estates of Bishops and Chapters.

XIII. Any Bishop, Dean, or Canon appointed previous to the passing of this Act may become subject to the Provisions of this Act, in like Manner as if he had been appointed to his See, Deanery, or Canonry subsequent to the passing of this Act; and upon his signifying (in Writing) such his Desire to the Commissioners, the Commissioners may, if they think fit, by an Order under their Common Seal, direct that from a Time mentioned in such Order the Provisions of this Act shall take effect with respect to such Bishop, Dean,

Existing Bishops, Deans, or Canons may enter into Arrangements affecting future Bishops, Deans, or Canons.

or Canon as if he had been appointed to his Dignity or Office subsequent to the *passing of this Act*, and the same shall take effect accordingly.

Differences
to be re-
ferred to
Arbitration.

XIV. If any Difference shall arise between the Commissioners and any Body or Person touching the Income to be paid to any Dean or Canon, or the annual or other Sums of Money to be paid to any Chapter, as herein-before directed, or touching the Value of the permanent Estate proposed to be conveyed to any Bishop or Chapter, or touching the net yearly Value of the same after such Estate shall have been so conveyed, or the Necessity of any Repairs required by the Commissioners to be made and executed with respect thereto, or as to the Propriety of any Lease, or as to the Amount of Compensation to be awarded to any Officer or Person under this Act, the Matter in dispute shall be referred to Arbitration, One Arbitrator shall be named by the Commissioners, and One by the Body or Persons differing with them; and the Two Arbitrators so appointed shall, before they proceed in the Matter referred to them, appoint an Umpire; and the Proceedings upon such Arbitration shall be conducted in like Manner and subject to the same Rules and Enactments as upon a Reference made by Consent upon a Rule of Court or Judge's Order: Provided always, that the said Parties may appoint One and the same Person to act as a sole Arbitrator, [in which Case the Acts and Awards of such Arbitrator shall have the same Effect as the Acts and Award of the Arbitrators and Umpire under the Provisions herein contained; and in every Case the Costs of such Arbitration and Award shall be in the Discretion of the said Arbitrators or Umpire, or of the said Arbitrator, as the Case may be.

Compensa-
tion may be
made to Per-
sons injured
by the Opera-
tion of this
Act.

XV. The Commissioners shall pay to any Person or Persons holding Offices for Life who may be injured by the Operation of this Act, and who shall be removed by them, such Sum of Money, and at such Times, and by way of Annuity or otherwise, as may appear reasonable, by way of Compensation for Loss of Office, or for Loss sustained by the Operation of this Act: Provided always, that where such Person shall be permanently placed in any other Office of which the Salary and Emoluments are equal to or more than the whole of any such Compensation by way of Annuity, and so long as he shall continue to be so placed, then such Compensation shall altogether cease to be paid; and where such Salary and Emoluments shall amount to Part of such Compensation by way of Annuity, then such Compensation shall abate in proportion.

SCHEDULE referred to in this Act.

The Stipends of the Minor Canons and of the other Officers and Bedesmen of the Cathedral or Collegiate Church.

The annual Cost for the Maintenance of the Cathedral and the Cathedral Precincts.

The annual Cost for the Performances of the Services, for the Provision and Repairs of the Church Furniture, and the Payment of Rates, Taxes, and all other customary and necessary Outgoings.

Amount of Augmentations to all Vicarages and Benefices charged on or payable from the Cathedral Funds.

Amount of Subscriptions and Donations to Churches, Schools, Parsonage Houses, Charities, or otherwise.

Ecclesiastical Corporations.

A

BILL

Further to provide for the Mode of
securing the Incomes of Ecclesiastical
Corporations, aggregate and sole.

(*Prepared and brought in by
The Marquis of Blandford and Mr. Ingham.*)

*Ordered, by The House of Commons, to be Printed,
11 May 1857.*

[Bill 7.]

Under 1 oz.

9 July 1857. 20 & 21 VICT.



A

B I L L

TO

Abolish the Annuity Tax levied within the City of Edinburgh, Parish of Canongate, and Burgh of Montrose, and to make Provision for the future Payment of the Stipends of the Ministers thereof.

WHEREAS it is expedient that the Annuity Tax, as at Preamble, present levied within the City of Edinburgh and Parish of Canongate for behoof of the Ministers thereof respectively, and within the Burgh of Montrose for behoof of the Second Minister thereof, should be abolished, and that Provision should otherwise be made for the future Payment of such Ministers: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The Annuity Tax, as heretofore levied within the ancient and extended Royalties of the said City of Edinburgh and the Parish of Canongate respectively shall, from and after the Term of Whitsunday One thousand eight hundred and fifty-seven, cease and determine; and it shall not, after the passing of this Act, be lawful to levy the same or any Part or any Arrears thereof; and all Acts of Parliament and [Bill 116.] A other Annuity Tax as heretofore levied to cease.

2 *Edinburgh, Canongate, and Montrose Annuity Tax Abolition.*

other Authorities under which the said Tax was heretofore levied shall, in so far as inconsistent with this Act, be and the same are hereby repealed and rendered null and of no effect: Provided always, that the Magistrates and Council of the said City shall, within *Six Months* after the passing of this Act, pay from the 5 Municipal Revenues of the City to the Representatives of the deceased Doctor Thomas Clark and of the also deceased Doctor William Steven, Two of the Ministers of the said City, in full of their Interest in such Arrears, such Sums as shall be mutually agreed on between the Magistrates and Council and such Representatives 10 respectively, or, in the event of Difference, as shall be determined by the Sheriff of Edinburgh; and the Sums to be so paid, with Interest thereon, shall be repaid by the Commissioners herein-after appointed to the Magistrates and Council, from the Assessment to be levied in Terms of this Act, after Payment from such Assessment to the Com- 15 missioners of Her Majesty's Treasury of the Sums herein directed to be paid to such Commissioners.

Commis-
sioners
under this
Act
appointed.

II. The Lord Provost, the Treasurer, and the City Clerk of Edinburgh, all for the Time being, shall be and are hereby appointed Commissioners for the Execution of this Act to the Effect herein- 20 after mentioned.

Assessment
to be levied.

III. The Magistrates and Council of the said City shall, on or before the *Thirty-first Day of October yearly*, impose upon all Tenants and Occupiers of all Subjects and Property valued at *Five Pounds* yearly or upwards within the Areas within which the Tenants and 25 Occupiers of Subjects and Property are at present, or but for the passing of this Act would be, liable in Payment of the Annuity Tax in Edinburgh and Canongate respectively an Assessment not exceeding *Tenpence and One Fifth of a Penny* in the Pound of the Value of all such Subjects and Property as ascertained under and in virtue 30 of the Act of the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, intituled "An Act for the Valuation of Lands and Heritages in Scotland:" Provided always, that the said Assessment shall be levied from all such Parties, without Exemption or Privilege, any Act or Authority whatsoever to the contrary notwith- 35 standing, but the same shall not be leviable in respect of the Premises after referred to as excepted.

Assessment
to be levied
by the Com-
missioners.

IV. The Assessment hereby imposed shall be levied by the Commissioners, who shall have Power either to appoint a Collector to collect the said Assessment or to require the Collector of the 40 Assessments leviable under "The Edinburgh Police Act, 1848," to collect the same along with and in addition to such Assessments; and

Edinburgh, Canongate, and Montrose Annuity Tax Abolition. 3

and all the Provisions in the said Act as to the Exception of certain Premises, the Liability of Owners, Lessees, and others for temporary Occupants, the Mode of Recovery of the Assessments, the Exaction of a Penalty for Neglect or Failure in Payment, and the granting of
5 total or partial Relief to any Person on the ground of Poverty or Inability to pay, shall apply to the Assessment hereby imposed, and be put in force by the Commissioners, and the Notice directed by the said Act and by "The Edinburgh Municipality Extension Act, 1856," to be given to Parties neglecting to pay such Assessments, shall be so
10 framed as to include and apply to the Assessment to be levied in Terms of this Act; and the Remuneration to be allowed to such Collector shall be fixed by the Commissioners, and shall be reckoned as a Part of the Expense of fixing, levying, and collecting the Assessment hereby imposed.

15 V. The Commissioners, after defraying the Expense of fixing, levying, and collecting the Assessment hereby imposed shall apply the Produce thereof in Payment of the Sum of *Thirteen thousand Pounds* at *Martinmas* yearly for Twelve Years to the Commissioners of Her Majesty's Treasury, or to such Person as shall be appointed
20 by them to receive the same, until the Sums so to be paid, inclusive of the Sum of *Thirteen thousand Pounds* herein-after mentioned, shall together amount to a Sum of *One hundred and Sixty-nine thousand Pounds*, whereof the First Payment shall become due at *Martinmas* *One thousand eight hundred and fifty-eight*.

Application of Produce of Assessment.

25 VI. Out of the Fund arising from the Monies received by the Magistrates and Council of the said City from the North British Railway Company in Compensation for the Trinity College Church, the said Magistrates and Council shall pay over to the Commissioners of Her Majesty's Treasury at the Term of *Martinmas* *One*
30 *thousand eight hundred and fifty-seven*, the Sum of *Thirteen thousand Pounds*; and the Remainder of the said Fund shall be employed by the Magistrates and Council in the Erection of a suitable Church for the Parish of Trinity College.

13,000*l.* of the Trinity College Church Fund to be paid to Commissioners of Treasury.

VII. And whereas Her Majesty has been graciously pleased to
35 signify Her Consent that the Revenues of the Deanery of Her Chapel Royal for Scotland shall, after the Death or Demission of the present Holders of the Offices of Dean, namely, Doctor John Lee, Doctor Norman Macleod, and Doctor Robert Lee, or any of them, be applied towards the Purposes of this Act to the Extent after
40 mentioned: Be it enacted, That the Commissioners of Her Majesty's Treasury shall, upon the Death or Demission of all or any of the said Holders of the said Offices, collect and receive, in such Manner as they shall think fit and direct, for the Purposes of this Act, the

Reversion of the Revenues of the Deanery of the Chapel Royal, how to be dealt with.

4 *Edinburgh, Canongate, and Montrose Annuity Tax Abolition.*

Revenues of the said Deanery so falling in, whether in whole or in part, and shall out of the same, as soon as the Amount so falling in will permit, make Payment of *Six hundred Pounds* a Year to any future Principal of the University of Edinburgh, and of *Four hundred Pounds* a Year to any future Professor of Biblical Criticism 5 in the said University, for the Time being, and the Surplus of the said Revenues, estimated to be *One thousand three hundred Pounds* annually, shall, whether the same be more or less than the Sum last mentioned, be retained by the Commissioners of Her Majesty's Treasury, and by them applied to the Purposes of this Act. 10

Ministers to be paid by Commissioners of Treasury.

VIII. In consideration of the Payments to them by this Act directed to be made, the Commissioners of Her Majesty's Treasury shall, from and after Whitsunday One thousand eight hundred and fifty-seven, pay annually, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, by Moieties at Whitsunday and Martinmas 15 respectively, commencing at Martinmas One thousand eight hundred and fifty-seven, for the Half Year preceding, and so on half-yearly thereafter, the Sum of Six hundred Pounds to each of the present Ministers of Edinburgh, including the Reverend John Stuart, the Presentee to the Vacancy caused by the Death of the said Doctor 20 Thomas Clark, and the Sum of Five hundred and fifty Pounds to each future Minister of Edinburgh, but under Deduction in the Case of both the present and future Ministers of so much of the said Sums respectively as they shall from Time to Time be entitled to receive from the other Funds applicable by Law to the Payment 25 of the Stipends of the Ministers of Edinburgh; and in like Moieties at Whitsunday and Martinmas the Sum of Two hundred and fifty Pounds to each of the Two Ministers of Canongate; and the said Commissioners of Her Majesty's Treasury are hereby authorized to issue their Warrants under their Hands, and to make such Arrange- 30 ments for the Payment of the said Sums as shall seem expedient.

Collegiate Charges of Edinburgh to cease.

IX. When the Office of a Minister of the Collegiate Charge of the High Church, or of the Tron Church, or of Saint Andrew's Church, of Edinburgh, shall become vacant after the passing of this Act, or if any such Office shall be vacant at the passing hereof, otherwise than 35 by the Death of the said Doctor Thomas Clark, such Office shall, excepting as regards the Tron Church to the Effect after provided, not be filled up; and the surviving or remaining Minister of any of the said Churches shall be the sole Minister thereof, in the same Manner as if such Church had never been a Collegiate Charge: Provided always, 40 that in the event of the Death or Demission of the Reverend Maxwell Nicholson, One of the present Collegiate Ministers of the said Tron Church, before the Death or Demission of Doctor John Hunter, the other of the present Collegiate Ministers of the said Church, a Col- league

Edinburgh, Canongate, and Montrose Annuity Tax Abolition. 5

league shall be appointed to the said Doctor John Hunter, and so from Time to Time during the Life of the said Doctor John Hunter, which Colleague, on the Death or Demission of the said Doctor John Hunter, shall be the sole Minister of the said Church, in the same
25 Manner as if such Church had never been a Collegiate Charge.

X. The Commissioners shall cause Accounts of the Sums levied and collected in respect of the Assessment imposed by this Act to be kept, laid open for Inspection, published, and audited in the same Manner and at the same Time as the Accounts of the said City are
10 now required to be by Law. Publication,
&c. of
Accounts.

XI. After the Payments by this Act directed to be made by the Commissioners to the Commissioners of Her Majesty's Treasury and to the Magistrates and Council shall have been satisfied, the Assessment hereby authorized shall cease, excepting as to any Arrears
15 which may be then due, and the Commissioners shall thereupon pay over any Balance which may remain in their Hands, and transfer such Arrears to the Magistrates and Council for behoof of the Municipal Revenues of the said City, whereupon the Powers of the Commissioners shall likewise cease, and they shall cause Notice to that Effect
20 to be published in One or more Edinburgh Newspapers. Assessment
and Powers
of Commis-
sioners to
cease.

XII. In construing this Act, unless there be something in the Subject or Context repugnant to such Construction, the Words "Magistrates and Council," or "Magistrates and Council of Edinburgh," shall mean and include the Lord Provost, Magistrates, and Council of the
25 City of Edinburgh; "the City Clerk" shall mean the City Clerk of Edinburgh for the Time being, or if there shall be more than One then the senior of such City Clerks; "Commissioners" shall mean the Commissioners appointed by this Act; "Ministers of Edinburgh" shall mean the Ministers of the Church of Scotland holding Charges within
30 the ancient and extended Royalities of Edinburgh, as these existed prior to "The Edinburgh Municipality Extension Act, 1856;" and "Ministers of Canongate" shall mean the Ministers of the Collegiate Charge of the Parish of Canongate. Interpreta-
tion.

XIII. The Expense of this Act and incident thereto, so far as
35 incurred by the Magistrates and Council of the said City, shall be paid out of the first and readiest of the Municipal Revenues of the City, or of the Assessment to be levied by virtue of this Act. Expense of
Act.

XIV. At the Term of Whitsunday One thousand eight hundred and fifty-eight, the Magistrates and Council of the Burgh of
40 Montrose shall pay to the Commissioners of Her Majesty's Treasury the Sum of Payment by
Burgh of
Montrose to
Commis-
sioners of
Treasury,
and Provi-
Pounds; and in con-
sideration

6 *Edinburgh, Canongate, and Montrose Annuity Tax Abolition.*

sion for
Second
Minister of
Montrose.

sideration of such Payment the said Commissioners shall pay annually, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, to the Minister of the Second Charge of the Burgh of Montrose the Sum of Three hundred and forty Pounds, by Moieties at Whitsunday and Martinmas respectively, commencing at Martinmas 5 One thousand eight hundred and fifty-eight for the Half Year preceding, and so on half-yearly thereafter; and thereupon the Annuity Tax as heretofore levied within the said Burgh shall cease and determine, and it shall not thereafter be lawful to levy the same or any Part or any Arrears thereof; and all Acts of Parliament and other Authorities 10 under which the said Tax was heretofore levied shall, in so far as inconsistent with this Act, be and the same are hereby repealed, and rendered null and of no Effect.

Edinburgh, Canongate, and
Montrose Annuity Tax
Abolition.

BILL

To abolish the Annuity Tax levied within the City of Edinburgh, Parish of Canongate, and Burgh of Montrose, and to make Provision for the future Payment of the Stipends of the Ministers thereof.

*(Prepared and brought in by
The Lord Advocate and Sir George Grey.)*

*Ordered, by The House of Commons, to be Printed,
9 July 1857.*

[Bill 116.]

Under 1 cc.

13 May 1857. 20 VICT. (Sess. 2.)



A

B I L L

TO

Release Candidates at Elections of Members to
serve in Parliament from the Expenses of Booths
and taking the Poll, and to make the Payment
by Candidates of the Conveyance of Voters to
the Poll illegal.

WHEREAS by an Act passed in the Second Year of the Preamble.
Reign of His late Majesty King William the Fourth,
intituled "An Act to amend the Representation of the 2 & 3 W. 4.
" People in England and Wales," it is amongst other things enacted, c. 45.
5 that all Booths erected for the Convenience of taking Polls, together
with all Deputies and Clerks employed therein, shall be at the joint
and equal Expense of the several Candidates: And whereas it is
expedient to repeal that Part of the said recited Act: Be it therefore
enacted by the Queen's most Excellent Majesty, by and with the
10 Advice and Consent of the Lords Spiritual and Temporal, and
Commons, in this present Parliament assembled, and by the Authority
of the same,

I. That from and after the *passing of this Act* such Part of the So much of
recited Act as imposes on the several Candidates the Expense of recited Act
15 Booths, Deputies, and Poll Clerks be repealed, and the same is hereby as is con-
tained in
[Bill 14.] repealed,

s. 71. re-
pealed.

repealed, it being so much of the said Act as is contained in the Seventy-first Section.

Booths and
Poll Clerks
to be paid by
County.

II. All Booths erected for the Convenience of taking Polls shall be at the Expense of the County, City, Borough, or Place for which such Election shall take place; and all Deputies and Clerks employed in 5 taking Polls shall be appointed by the Sheriff or other Returning Officer, and shall be paid such Sums as the Person so appointing them shall consider proper; and all such Payments shall be at the Expense of the County, City, Borough, or Place for which such Election shall take place, and shall be made out of the County or Borough Rate, 10 as the Case may be, and in Places where there is no Borough Rate then out of the Rate for the Relief of the Poor.

Payment of
the Con-
veyance of
Voters to or
from Poll
illegal.

III. Any Candidate at an Election who shall, by himself or by or with any Person on his Behalf, at any Time, either before, during, or after any Election, directly or indirectly, pay, either wholly or in part, 15 any Carriage, Conveyance, or Mode of Transit to or for any Person to proceed to the Poll to give his Vote or Return therefrom, shall forfeit the Sum of *Fifty Pounds* for each Offence to any Person who shall sue for the same, with full Costs of Suit.

Penalties
how to be
recovered.

IV. The Penalty hereby imposed shall be recoverable by Action 20 or Suit by any Person who shall sue for the same in any of Her Majesty's Superior Courts at Westminster, if the Offence be committed in England or Wales, and in any of Her Majesty's Superior Courts in Dublin, if the Offence be committed in Ireland, and in or before the Court of Sessions, if the Offence be committed in Scotland, 25 and not otherwise.

Limitation
of Action.

V. No Person shall be liable to the Penalty hereby enacted unless some Action or Suit for the Offence committed shall be commenced against such Person within the Space of *Six* Calendar Months next after such Offence against this Act shall be committed, and unless 30 such Person shall be summoned or otherwise served with Writ or Process within the same Space of Time, so that such Service of Writ or Process shall not be prevented by such Person absconding or withdrawing out of the Jurisdiction of the Court out of which such Writ or other Process shall have issued; and in case of any such Writ or 35 Process as aforesaid, the same shall be proceeded with and carried on without any wilful Delay.

Election Expenses.

A

B I L L

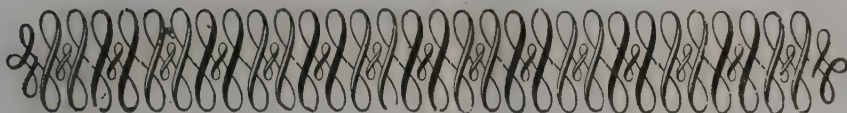
To release Candidates at Elections of Members to serve in Parliament from the Expenses of Booths and taking the Poll, and to make the Payment by Candidates of the Conveyance of Voters to the Poll illegal.

*(Prepared and brought in by
Lord Robert Grosvenor, Mr. Butler, and
Mr. Dillingham.)*

*Ordered, by The House of Commons, to be Printed,
13 May 1857.*

[Bill 14.]
Under 1 oz.

15 June 1857. 20 VICT. (Sess. 2.)



A

B I L L

FOR

Regulating the Presentation and Withdrawal of Election Petitions.

WHEREAS it is expedient to amend the Act passed in the Preamble.
Twelfth Year of the Reign of Her present Majesty, inti-
tuled "An Act to amend the Law for the Trial of Election 11 & 12 Vict.
Petitions:" Be it enacted by the Queen's most Excellent Majesty, by c. 98.
and with the Advice and Consent of the Lords Spiritual and Tem-
5 poral, and Commons, in this present Parliament assembled, and by the
Authority of the same, as follows:

I. Before any Election Petition shall be presented to the House, Affidavit to
the Persons subscribing the same, and also the Agent, if any, appointed be made
by them, being a Parliamentary Agent, for conducting such Petition, before pre-
10 shall make Affidavit in Writing to the Satisfaction of the Examiner of senting Peti-
Recognizances, according to the Form given in the Schedule A. to tion.
this Act, or to the like Effect, that the Allegations contained in such
Petition are well founded in Fact, and capable of being proved by Evi-
dence, and that such Petition is made bonâ fide, and not with a view
15 to any Compromise, Withdrawal, or other collusive Proceeding;
and the Examiner shall certify by Endorsement under his Hand upon
such Petition, that such Affidavit has been duly made and has been
received by him, and he shall keep the same in his Custody.

[Bill 65.]

A

II. So

Repeal of
11 & 12
Vict. c. 89.
s. 8.

II. So much of the recited Act as authorizes any Petitioner to withdraw his Election Petition on giving notice to the Speaker, and also to the Sitting Member or his Agent, and to any Party who may have been admitted to oppose the Prayer of such Petition, is repealed; but any Petitioner withdrawing his Petition under this Act shall be liable to the Payment of such Costs and Expenses as have been incurred by the Sitting Member, or other Party complained of in such Petition, and also by any Party admitted to oppose the Prayer of such Petition, to be taxed as by the recited Act provided.

How Peti-
tions may be
withdrawn.

III. If any Petitioner shall be desirous to withdraw his Election Petition at any Time after the Presentation thereof, he may Petition the House for that Purpose; and such Petition for Leave to withdraw shall be referred to the Examiner of Recognizances, who shall make Inquiry into the Grounds of Withdrawal set forth in such Petition, and shall report the Result of such Inquiry to the House; 15 and upon receiving such Report the House shall determine whether any Order that may have been made for referring the Election Petition in question to any Committee should be discharged, or whether any and what further Proceedings with respect to such Election Petition or Petitions for Withdrawal, or the Matters 20 referred to in the same respectively, should be adopted.

Examiner
to have the
same Powers
as in Inqui-
ries into Re-
cognizances.

IV. For the Purpose of conducting such Inquiry as aforesaid, the Examiner of Recognizances shall have the same Powers of examining Witnesses, such Witnesses to be summoned, if necessary, by Warrant of the Speaker, and of taking Evidence upon Oath or Affidavit, and 25 of adjourning the Inquiry from Time to Time, as by the recited Act he is empowered to exercise for the Purpose of inquiring into and deciding upon Objections to Recognizances.

Affidavit to
be made
before pre-
senting Peti-
tion for
Withdrawal
of Election
Petition.

V. No Petition for Leave to withdraw an Election Petition shall be received, unless an Affidavit in the Form in Schedule B. to this 30 Act, or to the like Effect, shall have been made by such Petitioner, and also by his Agent, to the Satisfaction of the Examiner of Recognizances, stating that such Application for Withdrawal is made bonâ fide, and not in pursuance of any Compromise or Collusion; and the Examiner shall certify, by Indorsement under his Hand 35 upon such Petition, that such Affidavit has been duly made and has been received by him, and he shall keep the same in his Custody.

SCHEDULE A.

A. No. 1.—*Affidavit by Petitioner on presenting Petition.*

In the Matter of the Election Petition of *A.B.* relating to the
(County
Borough) of _____, *A.B.* of _____ the Person
whose Name is subscribed to the said Petition, maketh Oath
and saith,

That this Deponent verily believes that the Allegations contained
in the said Petition with respect to [*here specify each several Ground
of Petition*] are well founded in Fact, and that Deponent is prepared
to prove the same by competent Evidence before an Election
Committee.

That this Petition is presented in good Faith, and with full Inten-
tion on the Part of this Deponent to prosecute the same, and not for
the Purpose of any Compromise, Withdrawal, or other collusive
Agreement or Proceeding whatsoever.

Sworn at _____, this _____ Day of _____

Before me,

C.D., &c. &c.

A. No. 2.—*Affidavit by Agent to Petitioner on presenting Petition.*

In the Matter of the Petition of *A.B.* relating to the (County
Borough) of _____, *G.H.* of _____, Parliamentary Agent,
maketh Oath and saith,

That this Deponent was, on the _____ Day of _____,
instructed by *A.B.* to conduct this Petition on his Behalf.

That, to the best of this Deponent's Knowledge and Belief, the
several Allegations contained in the said Petition are well founded in
Fact, and are capable of Proof before an Election Committee.

That this Petition is presented, as this Deponent verily believes,
in good Faith, and with full Intention on the Part of the Petitioner
and of this Deponent to prosecute the same, and not for the Purpose
of any Compromise, Withdrawal, or other collusive Agreement or
Proceeding whatever.

Sworn at _____, this _____ Day of _____

Before me,

G.H.

C.D., &c. &c.

SCHEDULE B.

No. 1.—*Affidavit of Petitioner on applying to withdraw his Petition.*

In the Matter of the Election Petition of *A.B.* relating to the
 (County
 Borough) of
A.B. of , the Person whose Name is subscribed to the
 said Petition, maketh Oath and saith,

That subsequently to the Presentation of the said Petition Circumstances have come to his Knowledge which make it improbable, as this Deponent is advised and believes, that the said Petition could be prosecuted with Success, and this Deponent is therefore desirous of withdrawing the same.

That this Application for Leave to withdraw the Deponent's Petition is made in good Faith and for the Cause alleged, and not in pursuance or for the Purpose of any corrupt or collusive Agreement or Compromise whatever.

A.B.

Sworn at the Day of
 Before me,

C.D., &c.

No. 2.—*Affidavit by Agent to Petitioner on Application, &c.*

In the Matter of the Election Petition of *A.B.* relating to the
 (County
 Borough) of
G.H. of Parliamentary Agent, employed to conduct the
 said Petition of *A.B.*, maketh Oath and saith,

That this Deponent verily believes that, by reason of Circumstances that have come to his Knowledge since the said Petition was presented to the House, it is not probable that the same could be prosecuted with Success.

That, so far as this Deponent is concerned, the Application now made for Leave to withdraw the said Petition is made in good Faith and for the Cause alleged, and not in pursuance or for the Purpose of any corrupt or collusive Agreement or Compromise whatever.

G.H.

Sworn at the Day of
 Before me,

C.D., &c. &c.

A

1881

1881

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1881

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Election Petitions.

A

BILL

For regulating the Presentation and
Withdrawal of Election Petitions.

(Prepared and brought in by
Mr. Adderley and Mr. Smith Child.)

*Ordered, by the House of Commons, to be Printed,
15 June 1857.*

[Bill 65.]

Under 1 oz.

23 July 1857. 20 & 21 VICT.



A

B I L L

[AS AMENDED IN COMMITTEE]

FOR

Regulating the Presentation and Withdrawal of Election Petitions.

WHEREAS it is expedient to amend the Act passed in the Preamble.
Twelfth Year of the Reign of Her present Majesty, intituled "An Act to amend the Law for the Trial of Election 11 & 12 Vict.
Petitions:" Be it enacted by the Queen's most Excellent Majesty, by c. 98.
5 and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. So much of the recited Act as authorizes any Petitioner to Repeal of
withdraw his Election Petition on giving notice to the Speaker, and 11 & 12
also to the Sitting Member or his Agent, and to any Party who may Vict. c. 89.
15 have been admitted to oppose the Prayer of such Petition, is repealed; s. 8.
but

II. If any Petitioner shall be desirous to withdraw his Election How Peti-
Petition at any Time after the Presentation thereof, he may Petition tions may be
10 the House for that Purpose, setting forth in his Petition the Grounds withdrawn.
on which such Withdrawal is desired; and thereupon, if the House
give Leave, the Election Petition may be withdrawn, and any Order
which may have been made for referring such Petition to any Com-
mittee shall be discharged; and the Petitioner shall, in such Case only,
[Bill 150.] be

be liable to the Payment of such Costs only as have been incurred by the Sitting Member or other Party complained of in such Petition.

CLAUSE A.
Petitioner
not com-
pleting Re-
cognizances,
or with-
drawing Pe-
tition, to be
liable to
Payment of
double Costs
of Sitting
Member.

III. Any Petitioner presenting an Election Petition, and who shall not complete his Recognizances to proceed, or who shall afterwards withdraw his Petition without the Leave of the House, shall 5 be liable to the Payment of and shall pay double the Amount of all such Costs, Damages, and Expenses as may be incurred by the Sitting Member, or other Party complained of in such Petition, or by any Party admitted to oppose the Prayer of such Petition, by reason or in consequence of or in any Manner relating to such 10 Petition: The Agent presenting any Petition so withdrawn as aforesaid shall be also personally liable to the Payment of all such Costs, Damages, and Expenses as the Petitioner in any such Petition shall be liable to under this Enactment.

Affidavit to
be made
before pre-
sented Peti-
tion for
Withdrawal
of Election
Petition.

IV. No Petition for Leave to withdraw an Election Petition shall 15 be received, unless an Affidavit in the Form in Schedule B. to this Act, or to the like Effect, shall have been made by such Petitioner, and also by his Agent, to the Satisfaction of the Examiner of Recognizances, stating that such Application for Withdrawal is made bonâ fide, and not in pursuance of any Compromise or Collusion; 20 and the Examiner shall certify, by Indorsement under his Hand upon such Petition, that such Affidavit has been duly made and has been received by him, and he shall keep the same in his Custody.

CLAUSE B.
Agents con-
ducting or
opposing
Election
Petitions to
be first
admitted as
Parliament-
ary Agents.

V. Every Agent appointed by any Party to conduct or oppose an Election Petition shall be first admitted as a Parliamentary Agent, 25 and shall be subject to such Regulations as may be from Time to Time made by the Speaker of the House of Commons for the Conduct of Business in Parliament by Parliamentary Agents.

Election Petitions.

A

BILL

[AS AMENDED IN COMMITTEE]

For regulating the Presentation and
Withdrawal of Election Petitions.

(Prepared and brought in by
Mr. Adderley and Mr. Smith Child.)

*Ordered, by the House of Commons, to be Printed,
23 July 1857.*

[Bill 150.]

Under 1 oz.

23 June 1857. 20 & 21 VICT.



A

B I L L

TO

Empower the House of Commons and its Committees to take Evidence upon Oath.

WHEREAS the taking of Evidence upon Oath in Inquiries Preamble.
before the House of Commons and its Committees may in
certain Cases not hitherto provided for by Law promote
the Discovery of Truth: Be it therefore enacted by the Queen's most
5 Excellent Majesty, by and with the Advice and Consent of the Lords
Spiritual and Temporal, and Commons, in this present Parliament
assembled, and by the Authority of the same, as follows :
I. If upon any Inquiry before the House of Commons or before
any Committee of the Whole House the House shall order that the
10 Evidence be taken upon Oath, the Clerk shall thereupon at the Bar
swear the the Witnesses who are to be examined in such Inquiry.
II. If upon any Inquiry before a Select Committee appointed by
the House of Commons the House shall order that such Committee
have Leave to examine Witnesses upon Oath, the Witness so to be
15 examined shall be sworn before the said Committee by the Clerk
appointed to attend such Committee.
III. If

Witnesses to
be examined
before the
House of
Commons, or
a Committee
of the whole
House, to be
sworn by the
Clerk of the
House at the
Bar.
Witnesses to
be examined
before any
Select Com-
mittee to be
sworn by the
Clerk of the
Committee.

[Bill 80.]

Penalty on
Witness
giving false
Evidence.

III. If any Witness so examined shall wilfully give false Evidence, he shall on Conviction thereof be liable to the Penalties of wilful and corrupt Perjury.

Evidence upon Oath (House
of Commons).

A

B I L L

To empower the House of Commons
and its Committees to take Evidence
upon Oath.

(Prepared and brought in by
Mr. Warren, The Marquis of Blanford,
and *Mr. Edward Egerton.*)

Ordered, by The House of Commons, to be Printed,
23 June 1857.

[Bill 80.]

Under 1 oz.

Forgery Bill.

REPORT.

THIS Bill has been framed with reference principally to the 1 Will. 4. c. 66., which consolidated the Statute Law as to Forgery.

The following Enactments are consolidated by it:—

1 Will. 4. c. 66.

5 & 6 Vict. c. 66. ss. 9, 10.

14 & 15 Vict. c. 100. ss. 5, 6, 8.

16 & 17 Vict. c. 132. ss. 10, 11.

It has been found expedient to confine this Bill to England, Mr. Donohoe having reported, that although substantially the Law of England and Ireland on this Subject be the same, yet “trivial Differences, particularly as regards Punishment, are so numerous, that it has been found impossible to adapt this Bill to Ireland, so as to embrace the Irish Statute Law precisely as it now exists, without introducing into the principal Sections so many Distinctions and special Provisions as to lead to insuperable Difficulties of Construction.”

As no Difficulty in the practical Working of the existing Statutes is known to have occurred, it has not been considered necessary to introduce any Amendments into this Bill.

All the Provisions which related to Forgeries affecting the South Sea Company have been omitted, as that Company is expiring, although not yet absolutely extinct.

It may well be doubted whether the Clauses relating to making Plates and Paper in imitation of those used for Exchequer Bills, and having possession of such Plates and Paper, *i.e.*, ss. 10, 11, & 12. of this Bill, would not be better consolidated with the other Provisions relating to those subjects contained in the 5 & 6 Vict. c. 66. and 16 & 17 Vict. c. 132.

It may also be doubted whether Sections 23, 24, and 25. of this Bill ought not to be consolidated with the Statutes relating to the Registration of Births, Marriages, and Deaths.

Under the 1 Will. 4. c. 66. Forgery of the Great Seal was High Treason and Capital; it is now punishable by Transportation for Life, &c., and therefore it may be proper to reduce the Offence to Felony, and by so doing a Difficulty may be removed; for the 1 Will. 4. c. 66. provided that the 7 & 8 Will. 3. c. 3. and 7 Ann. c. 21., which give Counsel to Prisoners charged with Treason, should not apply to the Offence of forging the Great Seal, &c., and as the 6 & 7 Will. 4. c. 111. only gives Counsel to Prisoners charged with Felony, it may be doubted whether a Prisoner charged with forging the Great Seal, &c. would be entitled to Counsel for his Defence.

Forgery Bill.

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As to forging Her Majesty's Seals :

1. *Forging the Great Seal, Privy Seal, &c.*

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2. *Forging a Will, Codicil, or Testamentary Paper ; or a Deed, Bond, or Writing obligatory ; or a Bill of Exchange, Promissory Note, or Warrant or Order for Payment of Money ; or a Receipt for Money or Goods, or Order for Delivery of Goods.*
3. *Forging any Instrument, however designated, which is in Law a Will, Bill of Exchange, &c.*

As to forging Transfers of Stock, &c. :

4. *Forging a Transfer of certain Stock, and Power of Attorney relating thereto.*
5. *Personating the Owner of certain Stock for certain Purposes.*
6. *Forging Attestation to Power of Attorney for Transfer of Stock, &c.*
7. *Making false Entries in the Books of the Public Funds.*
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As to forging India Bonds :

9. *Forging an East India Bond.*

As to forging Exchequer Bills, &c. :

10. *Forging Exchequer Bills, Bonds, and Debentures.*
11. *Making Plates, &c. in imitation of those used for Exchequer Bills, &c.*
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32. *Intent to defraud particular Persons need not be alleged or proved.*
 33. *Interpretation as to Criminal Possession.*
 34. *Other Punishments substituted for those of the 5 Eliz. c. 14., which have been adopted in other Acts.*
 35. *All Forgeries which were Capital before the 1 Will. 4. c. 66., and are not otherwise punishable under this Act, shall be punished with Penal Servitude for Life, &c.*
 36. *Offences committed at Sea.*
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 38. *Hard Labour, Solitary Confinement, and Whipping.*
 39. *The Costs of the Prosecution of Offences against this Act may be allowed.*
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 41. *Commencement of Act.*
-



A

B I L L

INTITULED

An Act to consolidate the Statute Law of
England relating to indictable Offences by
Forgery.

WHEREAS it is expedient to consolidate the Statute Law Preamble.
of England relating to indictable Offences by Forgery:
Be it enacted by the Queen's most Excellent Majesty,
by and with the Advice and Consent of the Lords Spiritual and
5 Temporal, and Commons, in this present Parliament assembled, and
by the Authority of the same, as follows :

As to forging Her Majesty's Seals :—

- 10 I. Whosoever shall forge or counterfeit, or shall utter, knowing the
same to be forged or counterfeited, the Great Seal of the United
Kingdom, Her Majesty's Privy Seal, any Privy Signet of Her Majesty,
Her Majesty's Royal Sign Manual, any of Her Majesty's Seals
appointed by the Twenty-fourth Article of the Union to be kept,
used, and continued in Scotland, the Great Seal of Ireland, or the
[Bill 153.] A 4 Privy

Forging the
Great Seal,
Privy Seal,
&c.
1 W. 4. c. 66.
s. 2.
2 & 3 W. 4.
c. 123.
1 Vict. c. 84.
ss. 2, 3.
9 & 10 Vict.
c. 24. s. 1.

Privy Seal of Ireland, shall be guilty of Felony, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Four Years, with or without Hard Labour, and with or without Solitary Confinement.

As to forging private Securities:—

Forging a Will, Codicil, or Testamentary Paper; or a Deed, Bond, or Writing obligatory; or a Bill of Exchange, Promissory Note or Warrant or Order for Payment of Money; or a Receipt for Money or Goods, or an Order for Delivery of Goods.

1 W. 4. c. 66. ss. 3, 10, 26. 9 & 10 Vict. c. 24. s. 1.

II. Whosoever shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any Will, Testament, Codicil, or Testamentary Writing, or any Deed, Bond, or Writing obligatory;—or any Bill of Exchange, or any Promissory Note for the Payment of Money, or any Indorsement on or Assignment of any Bill of Exchange or Promissory Note for the Payment of Money, or any Acceptance of any Bill of Exchange, or any Undertaking, Warrant, or Order for the Payment of Money;—or any Acquittance or Receipt either for Money or Goods, or any accountable Receipt either for Money or Goods, or for any Note, Bill, or other Security for Payment of Money, or any Warrant, Order, or Request for the Delivery or Transfer of Goods, or for the Delivery of any Note, Bill, or other Security for Payment of Money, with Intent, in any of the Cases aforesaid, to defraud;—shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Four Years, with or without Hard Labour, and with or without Solitary Confinement.

Forging any Instrument, however designated, which is in Law a Will, Bill of Exchange, &c.

1 W. 4. c. 66. s. 4.

III. Where by this or by any other Act any Person is made liable to Punishment for forging or altering, or for offering, uttering, disposing of, or putting off, knowing the same to be forged or altered, any Instrument or Writing designated in such Act by any special Name or Description, and such Instrument or Writing, however designated, is in Law a Will, Testament, Codicil, or Testamentary Writing, or a Bill of Exchange or a Promissory Note for the Payment of Money, or an Indorsement on or Assignment of a Bill of Exchange, or Promissory Note for the Payment of Money, or an Acceptance of a Bill of Exchange, or an Undertaking, Warrant, or Order for the Payment of Money, within the true Intent and Meaning of this Act, in every such Case the Person forging or altering such Instrument or Writing, or offering, uttering, disposing of, or putting off such Instrument or Writing, knowing the same to be forged or altered, may be indicted as an Offender against this Act, and punished accordingly.

As

As to forging Transfers of Stock, &c.:—

- IV. Whosoever shall forge or alter, or shall utter, knowing the same to be forged or altered, any Transfer of any Share or Interest of or in any Stock, Annuity, or other Public Fund which now is or hereafter may be transferable at the Bank of England, or of or in the Capital Stock of any Body Corporate, Company, or Society which now is or hereafter may be established by Charter or Act of Parliament, or shall forge or alter, or shall utter, knowing the same to be forged or altered, any Power of Attorney or other Authority to transfer any Share or Interest of or in any such Stock, Annuity, Public Fund, or Capital Stock as is in this Section before mentioned, or to receive any Dividend payable in respect of any such Share or Interest, or shall demand or endeavour to have any such Share or Interest transferred, or to receive any Dividend payable in respect thereof, by virtue of any such forged or altered Power of Attorney or other Authority, knowing the same to be forged or altered, with Intent in any of the Cases aforesaid to defraud, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Four Years, with or without Hard Labour, and with or without Solitary Confinement.

Forging a Transfer of certain Stock, and Power of Attorney relating thereto.

1 W. 4. c. 66. s. 6.
2 & 3 W. 4. c. 123.
1. Vict. c. 84. ss. 1, 2, 3.

- V. Whosoever shall falsely and deceitfully personate any Owner of any Share or Interest of or in any Stock, Annuity, or other Public Fund which now is or hereafter may be transferable at the Bank of England, or any Owner of any Share or Interest of or in the Capital Stock of any Body Corporate, Company, or Society which now is or hereafter may be established by Charter or Act of Parliament, or any Owner of any Dividend payable in respect of any such Share or Interest as aforesaid, and shall thereby transfer or endeavour to transfer any Share or Interest belonging to any such Owner, or thereby receive or endeavour to receive any Money due to any such Owner, as if such Offender were the true and lawful Owner, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Four Years, with or without Hard Labour, and with or without Solitary Confinement.

Personating the Owner of certain Stock, and transferring or receiving or endeavouring to transfer or receive the Dividends.

1 W. 4. c. 66. ss. 6. 7. 26.

- VI. Whosoever shall forge the Name or Handwriting of any Person as or purporting to be a Witness attesting the Execution of any Power of Attorney or other Authority to transfer any Share or Interest of or in any such Stock, Annuity, Public Fund, or Capital Stock

Forging Attestation to Power of Attorney for Transfer of Stock, &c.

1 W. 4. c. 66. s. 8, 26.

Stock as is in either of the last two preceding Sections mentioned, or to receive any Dividend payable in respect of any such Share or Interest, or shall utter any such Power of Attorney or other Authority, with the Name or Handwriting of any Person forged thereon as an attesting Witness, knowing the same to be forged, shall be 5 guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years, and not less than Three Years—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement. 10

Making false Entries in the Books of the Public Funds.

1 W. 4. c. 66. s. 5, 26.
2 & 3 W. 4. c. 123.
1 Vict. c. 84. s. 1.

VII. Whosoever shall wilfully make any false Entry in, or wilfully alter any Word or Figure in any of the Books of Account kept by the Governor and Company of the Bank of England, in which Books the Accounts of the Owners of any Stock, Annuities, or other Public Funds which now are or hereafter may be transferable at the 15 Bank of England shall be entered and kept, or shall in any Manner wilfully falsify the Accounts of such Owners in any of the said Books, with Intent in any of the Cases aforesaid to defraud;—and whosoever shall wilfully make any Transfer of any Share or Interest of or in any Stock, Annuity, or other Public Fund which now is or hereafter may be 20 transferable at the Bank of England; in the Name of any Person not being the true and lawful Owner of such Share or Interest, with Intent to defraud;—shall be guilty of Felony, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not 25 less than Three Years,—or to be imprisoned for any Term not exceeding Four Years, with or without Hard Labour, and with or without Solitary Confinement.

Clerks of the Bank making out false Dividend Warrants.

1 W. 4. c. 66. s. 9, 26.

VIII. Whosoever, being a Clerk, Officer, or Servant of or other Person employed or intrusted by the Governor and Company of the 30 Bank of England, shall knowingly make out or deliver any Dividend Warrant for a greater or less Amount than the Person on whose Behalf such Dividend Warrant shall be made out is entitled to, with Intent to defraud, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude 35 for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

As to forging India Bonds:—

Forging an East India Bond.

IX. Whosoever shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any Bond 40 under

under the Common Seal of the United Company of Merchants of England trading to the East Indies, commonly called an East India Bond, or any Indorsement on or Assignment of any East India Bond, with Intent to defraud, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Four Years, with or without Hard Labour, and with or without Solitary Confinement.

1 W. 4. c. 66.
s. 3.
2 & 3 W. 4.
c. 123.
1 Vict. c. 84.
ss. 1, 3.
9 & 10 Vict.
c. 24. s. 1.

10 As to forging Exchequer Bills, &c. :—

X. Whosoever shall forge or alter; or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any Exchequer Bill or Exchequer Bond or Exchequer Debenture, or any Indorsement on or Assignment of any Exchequer Bill or Exchequer Bond or Exchequer Debenture, or any Receipt or Certificate for Interest accruing thereon, with Intent to defraud, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Four Years, with or without Hard Labour, and with or without Solitary Confinement.

Forging Exchequer Bills, Bonds, and Debentures, &c.
1 W. 4. c. 66.
s. 3.
2 & 3 W. 4.
c. 123.
1 Vict. c. 84.
ss. 1, 3.
16 & 17 Vict.
c. 23. s. 41.
9 & 10 Vict.
c. 24. s. 1.

XI. Whosoever shall make, or cause or procure to be made, or shall aid or assist in making, or shall knowingly have in his Possession, not being legally authorized by the Commissioners of Inland Revenue or Commissioners of Her Majesty's Treasury, and without lawful Excuse (the Proof whereof shall lie on the Person accused), any Instrument having therein any Words, Letters, Figures, Marks, Lines, or Devices peculiar to and appearing in the Substance of any Paper provided or to be provided or used for Exchequer Bills or Exchequer Bonds or Exchequer Debentures, or any Machinery for working any Threads into the Substance of any Paper, or any such Thread, and intended to imitate such Words, Letters, Figures, Marks, Lines, Threads, or Devices, or any Plate peculiarly employed for printing such Exchequer Bills, Bonds, or Debentures, or any Die peculiarly used for preparing any such Plate, or for sealing such Exchequer Bills, Bonds, or Debentures, or any Plate or Die intended to imitate such Plates or Dies respectively, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years, and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and if a Male, with or without Whipping.

Making Plates, &c. in imitation of those used for Exchequer Bills, &c.
5 & 6 Vict.
c. 66. s. 9.
16 & 17 Vict.
c. 132. s. 10.
7 & 8 G. 4.
c. 28. ss. 8, 9.

Making
Paper in
imitation of
that used for
Exchequer
Bills, &c.

5 & 6 Vict.
c. 66. s. 9.
16 & 17 Vict.
c. 132. s. 10.
7 & 8 G. 4.
c. 28. ss. 8, 9.

XII. Whosoever, except as in the last preceding Section excepted, shall make, or cause or procure to be made, or aid or assist in making, any Paper in the Substance of which shall appear any Words, Letters, Figures, Marks, Lines, Threads, or other Devices peculiar to and appearing in the Substance of any Paper provided or to be provided 5 or used for such Exchequer Bills, Bonds, or Debentures, or any Part of such Words, Letters, Figures, Marks, Lines, Threads, or other Devices, and intended to imitate the same;—and whosoever, except as before excepted, shall knowingly have in his Possession, without law- 10 ful Excuse (the Proof whereof shall lie on the Person accused), any Paper whatever, in the Substance whereof shall appear any such Words, Letters, Figures, Marks, Lines, Threads, or Devices as aforesaid, or any Part of such Words, Letters, Figures, Marks, Lines, Threads, or Devices, and intended to imitate the same;—and who- 15 soever, except as before excepted, shall cause or assist in causing any such Words, Letters, Figures, Marks, Lines, Threads, or Devices as aforesaid, or any Part of such Words, Letters, Figures, Marks, Lines, Threads, or other Devices, and intended to imitate the same, to appear in the Substance of any Paper whatever, or shall take or assist in 20 taking any Impression of any such Plate or Die as aforesaid;—shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years, and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without 25 Hard Labour, and with or without Solitary Confinement, and if a Male, with or without Whipping.

Having in
possession
Paper,
Plates, or
Dies to be
used for
Exchequer
Bills, &c.

5 & 6 Vict.
c. 66. s. 10.
16 & 17 Vict.
c. 132. s. 11.

XIII. Whosoever, not being lawfully authorized, and without lawful Excuse (the Proof whereof shall lie on the Person accused), shall purchase or receive, or take and have in his Custody, any Paper 35 manufactured and provided by or under the Directions of the Commissioners of Inland Revenue or Commissioners of Her Majesty's Treasury, for the Purpose of being used as Exchequer Bills or Exchequer Bonds or Exchequer Debentures, before such Paper shall have been duly stamped, signed, and issued for public Use, or any 30 such Plate or Die as in the last Two preceding Sections mentioned, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Three Years.

As to forging Bank of England Notes :—

Forging a
Bank Note,
&c.
11. G. 1. c. 9.
s. 6.

XIV. Whosoever shall forge or alter, or shall offer, utter, dispose 40 of, or put off, knowing the same to be forged or altered, any Note or Bill of Exchange of the Governor and Company of the Bank of England, commonly called a Bank Note, a Bank Bill of Exchange, or

or a Bank Post Bill, or any Indorsement on or Assignment of any Bank Note, Bank Bill of Exchange, or Bank Post Bill, with Intent to defraud, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Four Years, with or without Hard Labour, and with or without Solitary Confinement.

1 W. 4. c. 66.
s. 3.
2 & 3 W. 4.
c. 123.
1 Vict. c. 84.
ss. 1, 2, 3.
16 & 17 Vict.
c. 2.

XV. Whosoever shall, without lawful Excuse, the Proof whereof shall lie upon the Party accused, purchase or receive from any other Person, or have in his Custody or Possession, any forged Bank Note, Bank Bill of Exchange, or Bank Post Bill, or blank Bank Note, blank Bank Bill of Exchange, or blank Bank Post Bill, knowing the same respectively to be forged, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years, and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

Purchasing
or receiving
or having
forged Bank
Notes.
1 W. 4. c. 66.
s. 12.
9 & 10 Vict.
c. 24. s. 1.

XVI. Whosoever shall, without the Authority of the Governor and Company of the Bank of England, to be proved by the Party accused, make or use, or shall, without lawful Excuse, to be proved by the Party accused, knowingly have in his Custody or Possession any Frame, Mould, or Instrument for the making of Paper with the Words “Bank of England” visible in the Substance of the Paper, or for the making of Paper with curved or waving Bar Lines, or with the laying Wire Lines thereof in a waving or curved Shape, or with any Number, Sum, or Amount, expressed in a Word or Words in Roman Letters, visible in the Substance of the Paper;—and whosoever shall, without such Authority, to be proved as aforesaid, manufacture, use, sell, expose to Sale, utter, or dispose of, or shall, without lawful Excuse, to be proved as aforesaid, knowingly have in his Custody or Possession any Paper whatsoever, with the Words “Bank of England” visible in the Substance of the Paper, or any Paper with curved or waving Bar Lines, or with the laying Wire Lines thereof in a waving or curved Shape, or with any Number, Sum, or Amount, expressed in a Word or Words in Roman Letters, appearing visible in the Substance of the Paper;—and whosoever, without such Authority, to be proved as aforesaid, shall by any Art or Contrivance cause the Words “Bank of England” to appear visible in the Substance of any Paper, or cause the numerical Sum or Amount of any Bank Note, Bank Bill of Exchange, or Bank Post Bill, blank Bank Note, blank Bank Bill of Exchange, or blank Bank Post Bill, in a Word or Words in Roman Letters, to appear visible in the Substance of the Paper whereon the same shall be written or printed;—shall be guilty of Felony, and being

Making or
having
Mould for
making
Paper with
the Words
“Bank of
England,” or
with curved
Bar Lines,
&c., or selling
such Paper.
1 W. 4. c. 66.
s. 13.
9 & 10 Vict.
c. 24. s. 1.

convicted thereof shall be liable, at the Discretion of the Court, to be kept in penal Servitude for any Term not exceeding Fourteen Years, and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

Proviso as to
Paper used
for Bills of
Exchange,
&c.

1 W. 4. c. 66.
s. 14.

XVII. Nothing herein contained shall prevent any Person from 5
issuing any Bill of Exchange or Promissory Note, having the Amount
thereof expressed in Guineas, or in a numerical Figure or Figures
denoting the Amount thereof in Pounds Sterling, appearing visible
in the Substance of the Paper upon which the same shall be written
or printed, nor shall prevent any Person from making, using, or 10
selling any Paper having waving or curved Lines or any other
Devices in the Nature of Watermarks visible in the Substance of
the Paper, not being Bar Lines or laying Wire Lines, provided the
same are not so contrived as to form the Groundwork or Texture
of the Paper, or to resemble the waving or curved laying Wire Lines 15
or Bar Lines or the Watermarks of the Paper used by the Governor
and Company of the Bank of England.

Engraving
on Plate, &c.
any Bank
Note, &c., or
having such
Plate, &c.,
or uttering
or having
Paper upon
which a
blank Bank
Note, &c.
shall be
printed.

1 W. 4. c. 66.
s. 15.

1 G. 4. c. 92.
s. 1.
16 & 17 Vict.
c. 2.
9 & 10 Vict.
c. 24. s. 1.

XVIII. Whosoever shall engrave or in anywise make upon any
Plate whatever, or upon any Wood, Stone, or other Material, any
Promissory Note or Bill of Exchange, or blank Promissory Note or 20
blank Bill of Exchange, or Part of a Promissory Note or Bill of
Exchange, purporting to be a Bank Note, Bank Bill of Exchange, or
Bank Post Bill, or blank Bank Note, blank Bank Bill of Exchange, or
blank Bank Post Bill, or Part of a Bank Note, Bank Bill of Exchange,
or Bank Post Bill, without the Authority of the Governor and Com- 25
pany of the Bank of England, to be proved by the Party accused;—
and whosoever shall use such Plate, Wood, Stone, or other Material, or
any other Instrument or Device for the making or printing any Bank
Note, Bank Bill of Exchange, or Bank Post Bill, or blank Bank
Note, blank Bank Bill of Exchange, or blank Bank Post Bill, or 30
Part of a Bank Note, Bank Bill of Exchange, or Bank Post Bill,
without such Authority, to be proved as aforesaid;—and whosoever
shall, without lawful Excuse, the Proof whereof shall lie on the Party
accused, knowingly have in his Custody or Possession any such Plate,
Wood, Stone, or other Material, or any such Instrument or Device;— 35
and whosoever shall, without such Authority, to be proved as afore-
said, knowingly offer, utter, dispose of, or put off any Paper upon which
any blank Bank Note, blank Bank Bill of Exchange, or blank Bank
Post Bill, or Part of a Bank Note, Bank Bill of Exchange, or Bank
Post Bill, shall be made or printed;—and whosoever shall, without law- 40
ful Excuse to be proved as aforesaid, knowingly have in his Custody
or Possession any such Paper;—shall be guilty of Felony, and being
convicted thereof shall be liable, at the Discretion of the Court, to be
kept

kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

- XIX. Whosoever shall engrave or in anywise make upon any
 5 Plate whatever, or upon any Wood, Stone, or other Material, any Word, Number, Figure, Character, or Ornament, the Impression taken from which shall resemble or apparently be intended to resemble any Part of a Bank Note, Bank Bill of Exchange, or Bank Post Bill, without the Authority of the Governor and
 10 Company of the Bank of England, to be proved by the Party accused;—and whosoever shall use any such Plate, Wood, Stone, or other Material, or any other Instrument or Device for the making upon any Paper or other Material the Impression of any Word, Number, Figure, Character, or Ornament which shall resemble
 15 or apparently be intended to resemble any Part of a Bank Note, Bank Bill of Exchange, or Bank Post Bill, without such Authority, to be proved as aforesaid;—and whosoever shall, without lawful Excuse, the Proof whereof shall lie on the Party accused, knowingly have in his Custody or Possession any such Plate, Wood, Stone, or other
 20 Material, or any such Instrument or Device;—and whosoever shall, without such Authority, to be proved as aforesaid, knowingly offer, utter, dispose of, or put off any Paper or other Material upon which there shall be an Impression of any such Matter as aforesaid;—and whosoever shall, without lawful Excuse, to be proved as aforesaid,
 25 knowingly have in his Custody or Possession any Paper or other Material upon which there shall be an Impression of any such Matter as aforesaid;—shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years, and not less
 30 than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

Engraving on a Plate, &c. any Word, Number, or Ornament resembling Part of a Bank Note, &c., or using or having any such Plate, &c., or uttering or having any Paper on which any such Word, &c. is impressed.
 1 W. 4. c. 66. s. 16.
 1 G. 4. c. 92. s. 2.
 9 & 10 Vict. c. 24. s. 1.

As to forging Bankers Notes:—

- XX. Whosoever shall make or use any Frame, Mould, or Instru-
 35 any Person or Persons, Body Corporate, or Company carrying on the Business of Bankers, (other than and except the Bank of England,) appearing visible in the Substance of the Paper, without the Authority of such Person or Persons, Body Corporate, or Company, the Proof of which Authority shall lie on the Party accused;—and whosoever
 40 shall, without lawful Excuse, the Proof whereof shall lie on the Party accused, knowingly have in his Custody or Possession any such Frame, Mould, or Instrument;—and whosoever shall, without such Authority, to be proved as aforesaid, manufacture, use, sell, expose to

Making or having Mould for making Paper, with the Name of any Bankers; making or having such Paper.
 1 W. 4. c. 66. ss. 17, 26.

Sale, utter, or dispose of, or shall, without lawful Excuse, to be proved as aforesaid, knowingly have in his Custody or Possession any Paper in the Substance of which the Name or Firm of any such Person or Persons, Body Corporate, or Company carrying on the Business of Bankers shall appear visible;—and whosoever shall, 5 without such Authority, to be proved as aforesaid, cause the Name or Firm of any such Person or Persons, Body Corporate, or Company carrying on the Business of Bankers to appear visible in the Substance of the Paper upon which the same shall be written or printed;—shall be guilty of Felony, and being convicted thereof shall be liable, 10 at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years, and not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement.

15

Engraving on Plate, &c. any Bill of Exchange or Promissory Note of any Bankers, or using such Plate; or uttering or having any Paper upon which Part of such Bill or Note is printed.

1 W. 4. c. 66. s. 18, 26.

XXI. Whosoever shall engrave or in anywise make upon any Plate whatever, or upon any Wood, Stone, or other Material, any Bill of Exchange or Promissory Note for the Payment of Money, or any Part of any Bill of Exchange or Promissory Note for the Payment of Money, purporting to be the Bill or Note, or Part of the 20 Bill or Note, of any Person or Persons, Body Corporate, or Company carrying on the Business of Bankers, (other than and except the Bank of England,) without the Authority of such Person or Persons, Body Corporate, or Company, the Proof of which Authority shall lie on the Party accused;—and whosoever shall engrave or make upon 25 any Plate whatever, or upon any Wood, Stone, or other Material, any Word or Words resembling or apparently intended to resemble any Subscription subjoined to any Bill of Exchange or Promissory Note for the Payment of Money issued by any such Person or Persons, Body Corporate, or Company carrying on the Business of Bankers, 30 without such Authority, to be proved as aforesaid;—and whosoever shall, without such Authority, to be proved as aforesaid, use, or shall, without lawful Excuse, to be proved by the Party accused, knowingly have in his Custody or Possession, any Plate, Wood, Stone, or other Material upon which any such Bill or Note, or Part thereof, or any 35 Word or Words resembling or apparently intended to resemble such Subscription, shall be engraved or made;—and whosoever shall, without such Authority, to be proved as aforesaid, knowingly offer, utter, dispose of, or put off, or shall, without lawful Excuse, to be proved as aforesaid, knowingly have in his Custody or Possession any 40 Paper upon which any Part of such Bill or Note, or any Word or Words resembling, or apparently intended to resemble, any such Subscription, shall be made or printed;—shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court,

Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years, and not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement.

5 As to forging Court Rolls:—

- XXII. Whosoever shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any Court Roll or Copy of any Court Roll, relating to any Copyhold or Customary Estate, with Intent to defraud, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Four Years, with or without Hard Labour, and with or without Solitary Confinement.

Forging Court Rolls or Copy of Court Rolls.
1 W. 4. c. 66. s. 10.

15 As to falsely acknowledging Recognizances, &c.:—

- XXIII. Whosoever shall, before any Court, Judge, or other Person lawfully authorized to take any Recognizance or Bail, acknowledge any Recognizance or Bail in the Name of any other Person not privy or consenting to the same, whether such Recognizance or Bail in either Case be or be not filed;—and whosoever shall, in the Name of any other Person not privy or consenting to the same, acknowledge any Fine, Recovery, Cognovit actionem, or Judgment, or any Deed to be enrolled;—shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Four Years, with or without Hard Labour, and with or without Solitary Confinement.

Acknowledging Recognizance, Bail, Cognovit, &c. in the Name of another.
1 W. 4. c. 66. ss. 11, 26.

As to forging Registers of Baptisms, Marriages, and Burials:—

- XXIV. Whosoever shall knowingly and wilfully insert, or cause or permit to be inserted, in any Register of Baptisms, Marriages, or Burials which has been or shall be made or kept by the Rector, Vicar, Curate, or Officiating Minister of any Parish, District Parish, or Chapelry in England, any false Entry of any Matter relating to any Baptism, Marriage, or Burial, or shall forge or alter in any such Register any Entry of any Matter relating to any Baptism, Marriage, or Burial; or shall utter any Writing as and for a Copy of an Entry in any such Register of any Matter relating to any Baptism, Marriage, or Burial, knowing such Writing to be false, forged, or altered; or shall utter any Entry in any such Register of any Matter relating to any Baptism, Marriage, or Burial, knowing such Entry to be false, forged, or altered, or shall utter any Copy of such Entry, knowing such Entry to be false,

Forging and making false Entries in Parish Registers and Copies of such Registers.
1 W. 4. c. 66. s. 20.

Marriage
Licence.

false, forged, or altered, or shall wilfully destroy, deface, or injure, or cause or permit to be destroyed, defaced, or injured, any such Register or any Part thereof; or shall forge or alter, or shall utter, knowing the same to be forged or altered, any Licence of Marriage;— shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement. 5

Rector, &c.
not liable to
any Penalty
for correcting
accidental
Mistakes.
1 W. 4. c. 66.
s. 21.

XXV. Provided, That no Rector, Vicar, Curate, or Officiating Minister of any Parish, District Parish, or Chapelry, who shall discover any Error in the Form or Substance of the Entry in the Register of any Baptism, Marriage, or Burial respectively by him solemnized, shall be liable to any Penalty if he shall, within One Month after the Discovery of such Error, in the Presence of the Parent or Parents of the Child baptized, or of the Parties married, or in the Presence of Two Persons who shall have attended at any Burial, or in the Case of the Death or Absence of the respective Parties aforesaid, then in the Presence of the Churchwardens or Chapelwardens, correct the Entry which shall have been found erroneous, according to the Truth of the Case, by Entry in the Margin of the Register wherein such erroneous Entry shall have been made, without any Alteration or Obliteration of the original Entry, and shall sign such Entry in the Margin, and add to such Signature the Day of the Month and Year when such Correction shall be made; and such Correction and Signature shall be attested by the Parties in whose Presence the same are directed to be made as aforesaid: Provided also, that in the Copy of the Register which shall be transmitted to the Registrar of the Diocese the said Rector, Vicar, Curate, or Officiating Minister shall certify the Corrections so made by him as aforesaid. 10 15 20 25 30

Making
false Entries
in Copies of
Register sent
to Registrar.
1 W. 4. c. 66.
ss. 22, 26.

XXVI. Whosoever shall knowingly and wilfully insert or cause or permit to be inserted in any Copy of any Register directed by Law to be transmitted to the Registrar of any Diocese any false Entry of any Matter relating to any Baptism, Marriage, or Burial, or shall forge or alter, or shall utter, knowing the same to be forged or altered, any Copy of any Register so directed to be transmitted as aforesaid, or shall knowingly and wilfully sign or verify any Copy of any Register so directed to be transmitted as aforesaid, which Copy shall be false in any Part thereof, knowing the same to be false, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years, and not less than Three Years,—or to be imprisoned 35 40

imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

As to forging Foreign Instruments :—

XXVII. Whosoever shall engrave or in anywise make upon any
 5 Plate whatever, or upon any Wood, Stone, or other Material, any Bill
 of Exchange, Promissory Note, Undertaking or Order for Payment of
 Money, or any Part of any Bill of Exchange, Promissory Note, Under-
 taking, or Order for Payment of Money, in whatever Language
 the same may be expressed, and whether the same shall or shall
 10 not be or be intended to be under Seal, purporting to be the Bill,
 Note, Undertaking, or Order, or Part of the Bill, Note, Undertaking,
 or Order of any Foreign Prince or State, or of any Minister or Officer in
 the Service of any Foreign Prince or State, or of any Body Corporate,
 or Body of the like Nature, constituted or recognized by any Foreign
 15 Prince or State, or of any Person or Company of Persons resident in
 any Country not under the Dominion of Her Majesty, without the
 Authority of such Foreign Prince or State, Minister or Officer, or
 Body Corporate or Body of the like Nature, Person or Company of
 Persons, the Proof of which Authority shall lie on the Party accused ;—
 20 and whosoever shall, without such Authority, to be proved as aforesaid,
 use, or shall, without lawful Excuse, to be proved by the Party
 accused, knowingly have in his Custody or Possession any Plate,
 Stone, Wood, or other Material upon which any such Foreign Bill,
 Note, Undertaking, or Order, or any Part thereof, shall be engraved
 25 or made ;—and whosoever shall, without such Authority, to be proved
 as aforesaid, knowingly utter, dispose of, or put off, or shall, without
 lawful Excuse, to be proved as aforesaid, knowingly have in his
 Custody or Possession any Paper upon which any Part of such
 Foreign Bill, Note, Undertaking, or Order shall be made or printed ;—
 30 shall be guilty of Felony, and being convicted thereof shall be liable,
 at the Discretion of the Court, to be kept in Penal Servitude for any
 Term not exceeding Fourteen Years, and not less than Three Years,
 —or to be imprisoned for any Term not exceeding Three Years, with
 or without Hard Labour, and with or without Solitary Confinement.

Engraving
Plates, &c.
for Foreign
Bills or
Notes ; using
or having
such Plates ;
or uttering
Paper on
which any
Part of such
Bill or Note
is printed.
1 W. 4. c. 66.
ss. 19, 26.

35 As to other Matters :—

XXVIII. Where the forging or altering any Writing or Matter what-
 soever, or the offering, uttering, disposing of, or putting off any Writing
 or Matter whatsoever, knowing the same to be forged or altered, is in
 40 this Act expressed to be an Offence, if any Person shall, in England,
 forge or alter, or offer, utter, dispose of, or put off, knowing the same
 to be forged or altered, any such Writing or Matter, in whatsoever
 Place or Country out of England, whether under the Dominion of Her

Forging, &c.
in England
Documents
purporting
to be made,
or actually
made, out of
England ;
forging, &c.
in England
Bills of Ex-
change, &c.

purporting
to be payable
out of Eng-
land.

1. W. 4. c. 66.
s. 30.

Majesty or not, such Writing or Matter may purport to be made or may have been made, and in whatever Language the same or any Part thereof may be expressed, every such Person, and every Person aiding, abetting, or counselling such Person, shall be deemed to be an Offender within the Meaning of this Act, and shall be punishable thereby in the same Manner as if the Writing or Matter had purported to be made or had been made in England; and if any Person shall in England forge or alter, or offer, utter, dispose of or put off, knowing the same to be forged or altered, any Bill of Exchange or any Promissory Note for the Payment of Money, or any Indorsement on or Assignment of any Bill of Exchange or Promissory Note for the Payment of Money, or any Acceptance of any Bill of Exchange, or any Undertaking, Warrant, or Order for the Payment of Money, or any Deed, Bond, or Writing obligatory for the Payment of Money, (whether such Deed, Bond, or Writing obligatory shall be made only for the Payment of Money, or for the Payment of Money together with some other Purpose,) in whatever Place or Country out of England, whether under the Dominion of Her Majesty or not, the Money payable or secured by such Bill, Note, Undertaking, Warrant, Order, Deed, Bond, or Writing obligatory may be or may purport to be payable, and in whatever Language the same respectively or any Part thereof may be expressed, and whether such Bill, Note, Undertaking, Warrant, or Order be or be not under Seal, every such Person, and every Person aiding, abetting, or counselling such Person, shall be deemed to be an Offender within the Meaning of this Act, and shall be punishable thereby in the same Manner as if the Money had been payable or had purported to be payable in England.

Forgers, &c.
may be tried
in the County
where they
are appre-
hended or are
in Custody.

1 W. 4. c. 66.
s. 24.

XXIX. If any Person shall commit any Offence against this Act, or shall commit any Offence of forging or altering any Matter whatsoever, or of offering, uttering, disposing of, or putting off any Matter whatsoever, knowing the same to be forged or altered, whether the Offence in any such Case shall be indictable at Common Law, or by virtue of any Act passed or to be passed, the Offence of every such Offender may be dealt with, indicted, tried, and punished, and laid and charged to have been committed in any County or Place in which he shall be apprehended or be in Custody, as if his Offence had been actually committed in that County or Place; and every Accessory before or after the Fact to any such Offence, if the same be a Felony, and every Person aiding, abetting, or counselling the Commission of any such Offence, if the same be a Misdemeanor, may be dealt with, indicted, tried, and punished, and his Offence laid and charged to have been committed in any County or Place in which the principal Offender may be tried.

XXX. In

XXX. In any Indictment for forging or uttering any Instrument it shall be sufficient to describe such Instrument by any Name or Designation by which the same may be usually known, or by the Purport thereof, without setting out any Copy or Fac-simile thereof, 5 or otherwise describing the same or the Value thereof.

Description of Instrument in Indictments for Forgery. 14 & 15 Vict. c. 100. s. 5.

XXXI. In any Indictment for engraving or making the whole or any Part of any Instrument, Matter, or Thing whatsoever, or for using or having the unlawful Possession of any Plate or other Material upon which the whole or any Part of any Instrument, 10 Matter, or Thing whatsoever shall have been engraved or made, or for having the unlawful Possession of any Paper upon which the whole or any Part of any Instrument, Matter, or Thing whatsoever shall have been made or printed, it shall be sufficient to describe such Instrument, Matter, or Thing by any Name or Designation by which 15 the same may be usually known, without setting out any Copy or Fac-simile of the whole or any Part of such Instrument, Matter, or Thing.

Description of Instrument in Indictments for engraving, &c. 14 & 15 Vict. c. 100. s. 6.

XXXII. It shall be sufficient, in any Indictment for forging, uttering, offering, disposing of, or putting off any Instrument what- 20 soever, where it shall be necessary to allege an Intent to defraud, to allege that the Party accused did the Act with Intent to defraud, without alleging an Intent to defraud any particular Person; and on the Trial of any such Offence it shall not be necessary to prove an Intent to defraud any particular Person, but it shall be sufficient to 25 prove that the Party accused did the Act charged with an Intent to defraud.

Intent to defraud particular Persons need not be alleged or proved. 14 & 15 Vict. c. 100. s. 8.

XXXIII. Where the having any Matter in the Custody or Possession of any Person is in this Act expressed to be an Offence, if any Person shall have any such Matter in his personal Custody or 30 Possession, or shall knowingly and wilfully have any such Matter in any Dwelling House or other Building, Lodging, Apartment, Field, or other Place, open or inclosed, whether belonging to or occupied by himself or not, and whether such Matter shall be so had for his own Use or for the Use or Benefit of another, every such Person shall be 35 deemed and taken to have such Matter in his Custody or Possession within the Meaning of this Act.

Interpretation as to criminal Possession. 1 W. 4. c. 66. s. 28.

XXXIV. Whosoever shall, after the Commencement of this Act, be convicted of any Offence which shall have been subjected by any Act or Acts to the same Pains and Penalties as are imposed by the 40 Act passed in the Fifth Year of the Reign of Queen Elizabeth, intituled "An Act against Forgers of false Deeds and Writings," for any of the Offences first enumerated in the said Act, shall be

Other Punishments substituted for those of the 5 Eliz. c. 14., which have been adopted in other Acts. 1 W. 4. c. 66. s. 23.

guilty of Felony, and shall, in lieu of such Pains and Penalties, be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years, and not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement.

All Forgeries which were Capital before the 1 W. 4. c. 66., and are not otherwise punishable under this Act, shall be punished with Penal Servitude for Life, &c. 1 W. 4. c. 66. s. 1.

XXXV. Where by any Acts now in force any Person falsely making, forging, counterfeiting, erasing, or altering any Matter whatsoever, or uttering, publishing, offering, disposing of, putting away, or making use of any Matter whatsoever, knowing the same to have been falsely made, forged, counterfeited, erased, or altered, or any Person demanding or endeavouring to receive or have any Thing, or to do or cause to be done any Act, upon or by virtue of any Matter whatsoever, knowing such Matter to have been falsely made, forged, counterfeited, erased, or altered, would, according to the Provisions contained in any of the said Acts, be guilty of Felony, and would before the passing of the Act of the First Year of King William the Fourth, Chapter Sixty-six, have been liable to suffer Death as a Felon; or where by any Acts now in force any Person falsely personating another, or falsely acknowledging any Thing in the Name of another, or falsely representing any other Person than the real Party to be such real Party, or wilfully making a false Entry in any Book, Account, or Document, or in any Manner wilfully falsifying any Part of any Book, Account, or Document, or wilfully making a Transfer of any Stock, Annuity, or Fund in the Name of any Person not being the Owner thereof, or knowingly taking any false Oath, or knowingly making any false Affidavit or false Affirmation, or demanding or receiving any Money or other Thing by virtue of any Probate or Letters of Administration, knowing the Will on which such Probate shall have been obtained to have been false or forged, or knowing such Probate or Letters of Administration to have been obtained by means of any false Oath or false Affirmation, would, according to the Provisions contained in any of the said Acts, be guilty of Felony, and would before the passing of the said Act of the First Year of King William the Fourth have been liable to suffer Death as a Felon; or where by any Acts now in force any Person making or using, or knowingly having in his Custody or Possession, any Frame, Mould, or Instrument for the making of Paper, with certain Words visible in the Substance thereof, or any Person making such Paper, or causing certain Words to appear visible in the Substance of any Paper, would, according to the Provisions contained in any of the said Acts, be guilty of Felony, and would before the passing of the said Act of the First Year of King William the Fourth have been liable to suffer Death as a Felon; then, and in each

each of the several Cases aforesaid, if any Person shall after the Commencement of this Act be convicted of any such Felony as is herein-before in this Section mentioned, or of aiding, abetting, counselling, or procuring the Commission thereof, and the same shall not
5 be punishable under any of the other Provisions of this Act, every such Person shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Four Years, with or without Hard Labour, and with or without Solitary Confinement.

- 10 XXXVI. All indictable Offences mentioned in this Act which shall be committed within the Jurisdiction of the Admiralty of England shall be deemed to be Offences of the same Nature, and liable to the same Punishments, as if they had been committed upon the Land in England, and may be dealt with, inquired of, tried, and
15 determined in the same Manner as any other Offences committed within the Jurisdiction of the Admiralty of England; provided that nothing herein contained shall alter or affect any of the Laws relating to the Government of Her Majesty's Land or Naval Forces.

Offences committed at Sea.
1 W. 4. c. 66. s. 27.

- 20 XXXVII. In all Cases where any Person shall be convicted of a Misdemeanor under this Act it shall be lawful for the Court, if it shall think fit, in addition to or in lieu of any of the Punishments by this Act authorized, to fine the Offender, and to require him to find Sureties for keeping the Peace and being of good Behaviour, both or either; and in all Cases of Felonies in this Act mentioned, it
25 shall be lawful for the Court, if it shall think fit, to require the Offender to find Sureties for keeping the Peace, in addition to any of the Punishments by this Act authorized.

Fine and Sureties for the Peace, in what Cases.

- XXXVIII. Where Imprisonment, with or without Hard Labour, may be awarded for any Offence under this Act, the Court may sentence
30 the Offender to be imprisoned, or to be imprisoned and kept to Hard Labour, in the Common Gaol or House of Correction; and where Solitary Confinement may be awarded for any Offence under this Act, the Court may direct the Offender to be kept in Solitary Confinement for any Portion or Portions of his Imprisonment, or of his
35 Imprisonment with Hard Labour, not exceeding One Month at any One Time, and not exceeding Three Months in any One Year; and where Whipping may be awarded for any Offence under this Act, the Court may sentence the Offender to be once, twice, or thrice publicly or privately whipped.

Hard Labour, Solitary Confinement, and Whipping.

- 40 XXXIX. The Court before which any indictable Misdemeanor against this Act shall be prosecuted or tried may allow the Costs of the
[153.] C 4 Prosecution

The Costs of the Prosecution of Offences

against this
Act may be
allowed.

Prosecution in the same Manner as in Cases of Felony; and every Order for the Payment of such Costs shall be made out, and the Sum of Money mentioned therein paid, upon the same Terms, and in the same Manner in all respects as in Cases of Felony.

Act to ex-
tend to Eng-
land only.

XL. Nothing in this Act contained shall extend to Scotland 5 or Ireland, except as otherwise herein-before expressly provided.

Commence-
ment of Act.

XLI. This Act shall commence and take effect on the First Day of January One thousand eight hundred and fifty-eight.

Forgery.

A

B I L L

INTITLED

An Act to consolidate the Statute Law of England relating to indictable Offences by Forgery.

(*Brought from the Lords 23 July 1857.*)

Ordered, by The House of Commons, to be Printed,
23 July 1857.

[Bill 153.]

Under 3 oz.



A

B I L L

TO

Make better Provision for the Punishment of
Frauds committed by Trustees, Bankers, and
other Persons intrusted with Property.

WHEREAS it is expedient to make better Provision for the Preamble.
Punishment of Frauds committed by Trustees, Bankers,
and other Persons intrusted with Property: Be it enacted
by the Queen's most Excellent Majesty, by and with the Advice and
5 Consent of the Lords Spiritual and Temporal, and Commons, in this
present Parliament assembled, and by the Authority of the same, as
follows:

I. Whosoever, being a Trustee of any Property for the Benefit,
either wholly or partially, of some other Person, shall, in violation of
10 good Faith, and with Intent to defraud, appropriate, convert, destroy,
dispose of, or employ such Property, or any Part thereof, to or for his
own Benefit, Use, or Purposes, shall be guilty of a Misdemeanor.

II. Whosoever, being a Banker, Merchant, Broker, Attorney, or
Agent, and being intrusted as such with the Property of any other
15 Person, shall, in violation of good Faith and with intent to defraud,
sell, negotiate, transfer, pledge, or in any Manner convert or employ,
to or for his own Use, such Property or any Part thereof, shall be
guilty of a Misdemeanor.

[Bill 28.]

A

III. Any

III. Any Person intrusted with any Power of Attorney for the Sale or Transfer of any Property who shall fraudulently sell, transfer, and convert such Property, or any Part thereof, to his own Use or Benefit, shall be guilty of a Misdemeanor.

IV. Whosoever, being a Bailee of any Property, shall fraudulently take or convert the same to his own Use, or the Use of any Person other than the Owner thereof, shall be guilty of a Misdemeanor.

V. Whosoever, being a Director, Member, or Public Officer of any Body Corporate or Public Company, shall fraudulently take or apply, for his own Use, any of the Money or other Property of such Body Corporate or Public Company, shall be guilty of a Misdemeanor.

VI. Whosoever, being a Director, Public Officer, or Manager of any Body Corporate or Public Company, shall receive or possess himself of any of the Money or other Property of such Body Corporate or Public Company otherwise than in Payment of a just Debt or Demand, and shall wilfully omit to make or cause or direct to be made a full and true Entry thereof in the Books and Accounts of such Body Corporate or Public Company, shall be guilty of a Misdemeanor.

VII. If any Director, Manager, Public Officer, or Member of any Body Corporate or Public Company, shall wilfully destroy, alter, mutilate, or falsify any of the Books, Papers, Writings, or Securities belonging to the Body Corporate or Public Company of which he is a Director or Manager, Public Officer or Member, or make or be privy to the making of any false or fraudulent Entry, or any fraudulent Omission in any Book of Account or other Document, with Intent to defraud the Shareholders, Creditors, or other Persons interested in the Property or Effects of such Body Corporate or Public Company, every Director so offending shall be deemed guilty of a Misdemeanor.

VIII. Whosoever, being a Director, Manager, or Public Officer of any Body Corporate or Public Company, shall wilfully make, circulate, or publish, or concur in wilfully making, circulating, or publishing, any written Statement or Account which he shall know to be false in any material Particular, with Intent to deceive or defraud any Member, Shareholder, or Creditor of such Body Corporate or Public Company, or with Intent to induce any Person to become a Shareholder or Partner therein, or to intrust or advance any Money or Property to such Body Corporate or Public Company, or to enter into any Security for the Benefit thereof, shall be guilty of a Misdemeanor.

IX. Every

IX. Every Person found guilty of an Offence under this Act shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years, or to suffer such other Punishment, by Fine or Imprisonment, or by both, as the Court shall award.

X. Nothing in this Act contained shall enable or entitle any Person to refuse to make a full and complete Discovery by Answer to any Bill in Equity, or to answer any Question or Interrogatory in any Civil Proceeding in any Court of Law of Equity, or in the Courts of Bankruptcy or Insolvency; but no Answer to any such Bill, Question, or Interrogatory shall be admissible in Evidence against such Person in any Proceeding under this Act.

XI. Nothing in this Act contained, nor any Proceeding, Conviction, or Judgment to be had or taken thereon against any Person under this Act, shall prevent, lessen, or impeach any Remedy at Law or in Equity which any Party aggrieved by any Offence against this Act might have had if this Act had not been passed; but no Conviction of any such Offender shall be received in Evidence in any Action at Law or Suit in Equity against him.

XII. No Proceeding or Prosecution for any Offence included in the First Section of this Act shall be commenced without the Sanction of some Judge of One of the Superior Courts of Common Law or Equity, or of Her Majesty's Attorney General, or, in case that Office be vacant, of Her Majesty's Solicitor General; and in order to obtain such Sanction an Application may be made by Affidavit or on Oath to any such Judge, Attorney General, or Solicitor General, and if it shall thereupon appear to him that there is reasonable and probable Cause for such Proceedings he shall give his Sanction to the Prosecution of the Party accused: Provided that where any Civil Proceeding shall have been taken against any Person to whom the Provisions of the said First Section of this Act may apply, no Person who shall have taken such Civil Proceeding shall commence any Prosecution under this Act without the Sanction of the Court or Judge before whom such Civil Proceeding shall have been had or shall be pending.

XIII. Whosoever shall receive any Chattel, Money, or valuable Security which shall have been so fraudulently disposed of as to render the Party disposing thereof guilty of a Misdemeanor under any of the Provisions of this Act, knowing the same to have been so fraudulently disposed of, shall be guilty of a Misdemeanor, and may be indicted and convicted thereof, whether the Party guilty of the principal Misdemeanor shall or shall not have been previously

Nothing herein shall exempt any Person from answering any Questions in any Court, but no Evidence given by such Person shall be admissible against him in any Prosecution under this Act.

No Remedy at Law or in Equity shall be affected. Convictions shall not be received in Evidence in Civil Suits.

No Prosecution shall be commenced without the Sanction of some Judge or the Attorney General.

Receivers of Property fraudulently disposed of, against this Act, shall be guilty of a Misdemeanor.

convicted or shall or shall not be amenable to Justice, and, howsoever convicted, shall be liable to the same Punishment as the Person guilty of the principal Misdemeanor.

Costs of
Prosecutions.

XIV. In every Prosecution for any Misdemeanor against this Act, the Court before which any such Offence shall be prosecuted or tried 5 may allow the Expenses of the Prosecution in all respects as in Cases of Felony.

No Misdemeanor
against this
Act triable
at Sessions.

XV. No Misdemeanor against this Act shall be prosecuted or tried at any Court of General or Quarter Sessions of the Peace.

Interpreta-
tion Clause.

XVI. The Word "Trustee" shall include the Heir and Personal Repre- 10 sentative of any Trustee, and also all Executors and Administrators, and all Assignees in Bankruptcy and Insolvency, Bailees of Goods, and every Person holding or having the Disposition of any Property for the Benefit of another:

The Word "Property" shall include every Description of Real 15 and Personal Property, Money, Debts, and Legacies, and all Deeds and Instruments relating to or evidencing the Title or Right to any Property, or giving a Right to recover or receive any Money or Goods; and such Word Property shall also denote and include not only such Real and Personal Property as may have been the original Subject 20 of a Trust; but also any Real or Personal Property into which the same may have been converted or exchanged, and the Proceeds thereof respectively, and anything acquired by such Proceeds.

Act not to
extend to
Scotland.

XVII. This Act shall not extend to Scotland.

Fraudulent Trustees, &c.

A

B I L L

To make better Provision for the Punishment of Frauds committed by Trustees, Bankers, and other Persons intrusted with Property.

(Prepared and brought in by
Mr. Attorney General, Sir George Grey, and
Mr. Baines.)

*Ordered, by The House of Commons, to be Printed,
22 May 1857.*

[Bill 28.]

Under 1 oz.

15 June 1857. 20 VICT. (Sess. 2.)



A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Make better Provision for the Punishment of
Frauds committed by Trustees, Bankers, and
other Persons intrusted with Property.

WHEREAS it is expedient to make better Provision for the Punishment of Frauds committed by Trustees, Bankers, and other Persons intrusted with Property: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Preamble.

- I. If any Person being a Trustee of any Property for the Benefit, either wholly or partially, of some other Person, shall, with Intent to defraud, convert or appropriate to his own Use, or the Use of any Person other than the Person entitled thereto, or shall, with Intent aforesaid, otherwise dispose of or destroy such Property, or any Part thereof, to or for his own Benefit, Use, or Purposes, he shall be guilty of a Misdemeanor.

II. If any Person being a Banker, Merchant, Broker, Attorney, or Agent, and being possessed as such of the Property of any other Person, shall, with Intent to defraud, sell, negotiate, transfer, pledge, or in any Manner convert or appropriate to or for his own Use, such Property or any Part thereof, he shall be guilty of a Misdemeanor.
- Any Person committing any of the following Offences to be guilty of a Misdemeanor : Trustees fraudulently disposing of Property ; Bankers, &c. possessed as such of Property fraudulently selling, &c. ;

[Bill 61.]

A

III. Any

Persons
under any
Power of
Attorney
fraudulently
selling Pro-
perty ;

III. If any Person intrusted with any Power of Attorney for the Sale or Transfer of any Property shall fraudulently sell, or transfer, or otherwise convert such Property, or any Part thereof, to his own Use or Benefit, he shall be guilty of a Misdemeanor.

Bailees
fraudulently
converting
Property
to their own
Use ;

IV. If any Person being a Bailee of any Property shall fraudulently take or convert the same to his own Use, or the Use of any Person other than the Owner thereof, he shall be guilty of a Misdemeanor.

Directors,
&c. of any
Body Corpo-
rate or Pub-
lic Company
fraudulently
appropriat-
ing Property ;

V. If any Person being a Director, Member, or Public Officer of any Body Corporate or Public Company shall fraudulently take or apply, for his own Use, any of the Money or other Property of such Body Corporate or Public Company, he shall be guilty of a Misdemeanor.

or keeping
fraudulent
Accounts ;

VI. If any Person being a Director, Public Officer, or Manager of any Body Corporate or Public Company shall as such receive or possess himself of any of the Money or other Property of such Body Corporate or Public Company otherwise than in Payment of a just Debt or Demand, and shall, with Intent to defraud, omit to make or to cause or direct to be made a full and true Entry thereof in the Books and Accounts of such Body Corporate or Public Company, he shall be guilty of a Misdemeanor.

or wilfully
destroying
Books, &c. ;

VII. If any Director, Manager, Public Officer, or Member of any Body Corporate or Public Company shall, with Intent to defraud, destroy, alter, mutilate, or falsify any of the Books, Papers, Writings, or Securities belonging to the Body Corporate or Public Company of which he is a Director or Manager, Public Officer or Member, or make or concur in the making of any false Entry, or any material Omission in any Book of Account or other Document, he shall be guilty of a Misdemeanor.

or publish-
ing fraudu-
lent State-
ments.

VIII. If any Director, Manager, or Public Officer of any Body Corporate or Public Company shall make, circulate, or publish, or concur in making, circulating, or publishing, any written Statement or Account which he shall know to be false in any material Particular, with Intent to deceive or defraud any Member, Shareholder, or Creditor of such Body Corporate or Public Company, or with Intent to induce any Person to become a Shareholder or Partner therein, or to intrust or advance any Money or Property to such Body Corporate or Public Company, or to enter into any Security for the Benefit thereof, he shall be guilty of a Misdemeanor.

IX. Every

IX. Every Person found guilty of a Misdemeanor under this Act shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years, or to suffer such other Punishment, by Fine or Imprisonment, or by both, as the Court shall award.

Punishment for a Misdemeanor under this Act.

X. Nothing in this Act contained shall enable or entitle any Person to refuse to make a full and complete Discovery by Answer to any Bill in Equity, or to answer any Question or Interrogatory in any Civil Proceeding in any Court of Law of Equity, or in the Courts of Bankruptcy or Insolvency; but no Answer to any such Bill, Question, or Interrogatory shall be admissible in Evidence against such Person in any Proceeding under this Act.

Nothing herein shall exempt any Person from answering any Questions in any Court, but no Evidence given by such Person shall be admissible against him in any Prosecution under this Act.

XI. Nothing in this Act contained, nor any Proceeding, Conviction, or Judgment to be had or taken thereon against any Person under this Act, shall prevent, lessen, or impeach any Remedy at Law or in Equity which any Party aggrieved by any Offence against this Act might have had if this Act had not been passed; but no Conviction of any such Offender shall be received in Evidence in any Action at Law or Suit in Equity against him.

No Remedy at Law or in Equity shall be affected.

Convictions shall not be received in Evidence in Civil Suits.

XII. No Proceeding or Prosecution for any Offence included in the First Section of this Act shall be commenced without the Sanction of some Judge of One of the Superior Courts of Common Law or Equity, or of Her Majesty's Attorney General, or, in case that Office be vacant, of Her Majesty's Solicitor General; and in order to obtain such Sanction an Application may be made by Affidavit or on Oath to any such Judge, Attorney General, or Solicitor General, and if it shall thereupon appear to him that there is reasonable and probable Cause for such Proceedings he shall give his Sanction to the Prosecution of the Party accused: Provided that where any Civil Proceeding shall have been taken against any Person to whom the Provisions of the said First Section of this Act may apply, no Person who shall have taken such Civil Proceeding shall commence any Prosecution under this Act without the Sanction of the Court or Judge before whom such Civil Proceeding shall have been had or shall be pending.

No Prosecution shall be commenced without the Sanction of some Judge or the Attorney General.

XIII. If any Person shall receive any Chattel, Money, or valuable Security which shall have been so fraudulently disposed of as to render the Party disposing thereof guilty of a Misdemeanor under any of the Provisions of this Act, knowing the same to have been so fraudulently disposed of, he shall be guilty of a Misdemeanor, and may be indicted and convicted thereof, whether the Party guilty of the principal Misdemeanor shall or shall not have been previously

Receivers of Property fraudulently disposed of, against this Act, shall be guilty of a Misdemeanor.

convicted or shall or shall not be amenable to Justice, and, howsoever convicted, he shall be liable to the same Punishment as the Person guilty of the principal Misdemeanor.

If Offence
amounts to
Larceny
the Person
not to be
acquitted of
a Misdemeanor
under this
Act.

XIV. If upon the Trial of any Person under this Act it shall appear that the Offence proved amounts to Larceny, he shall not by 5 reason thereof be entitled to be acquitted of a Misdemeanor under this Act.

Costs of
Prosecutions.

XV. In every Prosecution for any Misdemeanor against this Act, the Court before which any such Offence shall be prosecuted or tried may allow the Expenses of the Prosecution in all respects as in Cases 10 of Felony.

No Misdemeanor
against this
Act triable
at Sessions.

XVI. No Misdemeanor against this Act shall be prosecuted or tried at any Court of General or Quarter Sessions of the Peace.

Interpretation
Clause.

XVII. The Word "Trustee" shall include the Heir and Personal Representative of any Trustee, and also all Executors and Administra- 15 tors, Liquidators under the Joint Stock Companies Act, 1856, and all Assignees in Bankruptcy and Insolvency:

The Word "Property" shall include every Description of Real and Personal Property, Money, Debts, and Legacies, and all Deeds and Instruments relating to or evidencing the Title or Right to any 20 Property, or giving a Right to recover or receive any Money or Goods; and such Word Property shall also denote and include not only such Real and Personal Property as may have been the original Subject of a Trust, but also any Real or Personal Property into which the same may have been converted or exchanged, and the Proceeds 25 thereof respectively, and anything acquired by such Proceeds.

Act not to
extend to
Scotland.

XVIII. This Act shall not extend to Scotland.

Fraudulent Trustees, &c.

A

B I L L

[AS AMENDED IN COMMITTEE]

To make better Provision for the Punishment of Frauds committed by Trustees, Bankers, and other Persons intrusted with Property.

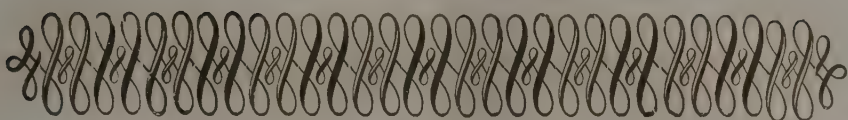
(*Prepared and brought in by*
Mr. Attorney General, Sir George Grey, and
Mr. Baines.)

Ordered, by The House of Commons, to be Printed,
15 June 1857.

[Bill 61.]

Under 1 oz.

9 July 1857. 20 & 21 VICT.



A

BILL

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

TO

Make better Provision for the Punishment of
Frauds committed by Trustees, Bankers, and
other Persons intrusted with Property.

WHEREAS it is expedient to make better Provision for the Punishment of Frauds committed by Trustees, Bankers, and other Persons intrusted with Property: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and
5 Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

- I. If any Person being a Trustee of any Property for the Benefit, either wholly or partially, of some other Person, or for any Public
10 or Charitable Purpose, shall, with Intent to defraud, convert or appropriate the same or any Part thereof to or for his own Use or Purposes, or shall, with Intent aforesaid, otherwise dispose of or destroy such Property or any Part thereof, he shall be guilty of a Misdemeanor.
- II. If any Person being a Banker, Merchant, Broker, Attorney, or Agent, and being possessed as such of the Property of any other Person, shall, with Intent to defraud, sell, negotiate, transfer, pledge, or in any Manner convert or appropriate to or for his own Use, such
15 Property or any Part thereof, he shall be guilty of a Misdemeanor.

Preamble.

Any Person committing any of the following Offences to be guilty of a Misdemeanor : Trustees fraudulently disposing of Property ; Bankers, &c. possessed as such of Property fraudulently selling, &c. ;

[Bill 112.]

A

III. If

Persons
under any
Power of
Attorney
fraudulently
selling Pro-
perty;

III. If any Person intrusted with any Power of Attorney for the Sale or Transfer of any Property shall fraudulently sell, or transfer, or otherwise convert such Property, or any Part thereof, to his own Use or Benefit, he shall be guilty of a Misdemeanor.

Bailees
fraudulently
converting
Property
to their own
Use;

IV. If any Person being a Bailee of any Property shall fraudulently 5 take or convert the same to his own Use, or the Use of any Person other than the Owner thereof, he shall be guilty of a Misdemeanor.

Directors,
&c. of any
Body Corpo-
rate or Pub-
lic Company
fraudulently
appropriat-
ing Property;

V. If any Person being a Director, Member, or Public Officer of any Body Corporate or Public Company shall fraudulently take or apply, for his own Use, any of the Money or other Property of 10 such Body Corporate or Public Company, he shall be guilty of a Misdemeanor.

or keeping
fraudulent
Accounts;

VI. If any Person being a Director, Public Officer, or Manager of any Body Corporate or Public Company shall as such receive or possess himself of any of the Money or other Property of such 15 Body Corporate or Public Company otherwise than in Payment of a just Debt or Demand, and shall, with Intent to defraud, omit to make or to cause or direct to be made a full and true Entry thereof in the Books and Accounts of such Body Corporate or Public Company, he shall be guilty of a Misdemeanor. 20

or wilfully
destroying
Books, &c.;

VII. If any Director, Manager, Public Officer, or Member of any Body Corporate or Public Company shall, with Intent to defraud, destroy, alter, mutilate, or falsify any of the Books, Papers, Writings, or Securities belonging to the Body Corporate or Public Company of which he is a Director or Manager, Public Officer or Member, 25 or make or concur in the making of any false Entry, or any material Omission in any Book of Account or other Document, he shall be guilty of a Misdemeanor.

or publish-
ing fraudu-
lent State-
ments.

VIII. If any Director, Manager, or Public Officer of any Body Corporate or Public Company shall make, circulate, or publish, 30 or concur in making, circulating, or publishing, any written Statement or Account which he shall know to be false in any material Particular, with Intent to deceive or defraud any Member, Shareholder, or Creditor of such Body Corporate or Public Company, or with Intent to induce any Person to become a Shareholder or Partner 35 therein, or to intrust or advance any Money or Property to such Body Corporate or Public Company, or to enter into any Security for the Benefit thereof, he shall be guilty of a Misdemeanor.

IX. Every

IX. Every Person found guilty of a Misdemeanor under this Act shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for the Term of Three Years, or to suffer such other Punishment, by Imprisonment for not more than Two Years with
5 or without Hard Labour, or by Fine, as the Court shall award.

Punishment for a Misdemeanor under this Act.

Nothing herein shall exempt any Person from answering any Questions in any Court, but no Evidence given by such Person shall be admissible against him in any Prosecution under this Act.

No Remedy at Law or in Equity shall be affected.

Convictions shall not be received in Evidence in Civil Suits.

X. Nothing in this Act contained shall enable or entitle any Person to refuse to make a full and complete Discovery by Answer to any Bill in Equity, or to answer any Question or Interrogatory in any Civil Proceeding in any Court of Law of Equity, or in the Courts
10 of Bankruptcy or Insolvency; but no Answer to any such Bill, Question, or Interrogatory shall be admissible in Evidence against such Person in any Proceeding under this Act.

XI. Nothing in this Act contained, nor any Proceeding, Conviction, or Judgment to be had or taken thereon against any Person
15 under this Act, shall prevent, lessen, or impeach any Remedy at Law or in Equity which any Party aggrieved by any Offence against this Act might have had if this Act had not been passed; but no Conviction of any such Offender shall be received in Evidence in any Action at Law or Suit in Equity against him; and nothing in this
20 Act contained shall affect or prejudice any Agreement entered into or Security given by any Trustee, having for its Object the Restoration or Repayment of any Trust Property misappropriated.

XII. No Proceeding or Prosecution for any Offence included in the First Section of this Act shall be commenced without the Sanction of
25 some Judge of One of the Superior Courts of Common Law or Equity, or of Her Majesty's Attorney General, or, in case that Office be vacant, of Her Majesty's Solicitor General; and in order to obtain such Sanction an Application may be made by Affidavit or on Oath to any such Judge, Attorney General, or Solicitor General, and if it
30 shall thereupon appear to him that there is reasonable and probable Cause for such Proceedings he shall give his Sanction to the Prosecution of the Party accused: Provided that where any Civil Proceeding shall have been taken against any Person to whom the Provisions of the said First Section of this Act may apply, no Person who shall
35 have taken such Civil Proceeding shall commence any Prosecution under this Act without the Sanction of the Court or Judge before whom such Civil Proceeding shall have been had or shall be pending.

No Prosecution shall be commenced without the Sanction of some Judge or the Attorney General.

XIII. If any Person shall receive any Chattel, Money, or valuable Security which shall have been so fraudulently disposed of as to
40 render the Party disposing thereof guilty of a Misdemeanor under any of the Provisions of this Act, knowing the same to have been so

Receivers of Property fraudulently disposed of, against this Act, shall be

guilty of
a Misdemeanor.

fraudulently disposed of, he shall be guilty of a Misdemeanor, and may be indicted and convicted thereof, whether the Party guilty of the principal Misdemeanor shall or shall not have been previously convicted or shall or shall not be amenable to Justice, and, howsoever convicted, he shall be liable to the same Punishment as the Person 5 guilty of the principal Misdemeanor.

If Offence
amounts to
Larceny
the Person
not to be
acquitted of
a Misdemeanor
under this
Act.

XIV. If upon the Trial of any Person under this Act it shall appear that the Offence proved amounts to Larceny, he shall not by reason thereof be entitled to be acquitted of a Misdemeanor under this Act.

10

Costs of
Prosecutions.

XV. In every Prosecution for any Misdemeanor against this Act, the Court before which any such Offence shall be prosecuted or tried may allow the Expenses of the Prosecution in all respects as in Cases of Felony.

No Misdemeanor
against this
Act triable
at Sessions.

XVI. No Misdemeanor against this Act shall be prosecuted or 15 tried at any Court of General or Quarter Sessions of the Peace.

Interpretation
Clause.

XVII. The Word "Trustee" shall include the Heir and Personal Representative of any Trustee, and also all Executors and Administrators, Liquidators under the Joint Stock Companies Act, 1856, and all Assignees in Bankruptcy and Insolvency:

20

The Word "Property" shall include every Description of Real and Personal Property, Goods, raw or other Materials, Money, Debts, and Legacies, and all Deeds and Instruments relating to or evidencing the Title or Right to any Property, or giving a Right to recover or receive any Money or Goods; and such Word Property 25 shall also denote and include not only such Real and Personal Property as may have been the original Subject of a Trust, but also any Real or Personal Property into which the same may have been converted or exchanged, and the Proceeds thereof respectively, and anything acquired by such Proceeds.

30

Act not to
extend to
Scotland.

XVIII. This Act shall not extend to Scotland.

Fraudulent Trustees, &c.

A

BILL

[AS AMENDED IN COMMITTEE AND ON
RE-COMMITMENT]

To make better Provision for the Punishment of Frauds committed by Trustees, Bankers, and other Persons intrusted with Property.

(*Prepared and brought in by*
Mr. Attorney General, Sir George Grey, and
Mr. Baines.)

Ordered, by The House of Commons, to be Printed,
9 July 1857.

[Bill 112.]

Under 1 oz.

LORDS AMENDMENTS

TO THE

FRAUDULENT TRUSTEES, &c. BILL.

Note.—*The Page and Line refer to the Bill (110.) as first printed by the Lords.*

Page 2.

Line 7. After ("thereof") insert ("although he shall not break Bulk or otherwise determine the Bailment")

Line 7. Leave out ("a Misdemeanor") and insert ("Larceny")

Line 38. After ("Misdemeanor") insert Clause XIII. as amended, from Page 4.

Page 3.

Line 24. After ("Section") insert ("but not included in any other Section")

Lines 25 and 26. Leave out ("some Judge of One of the Superior Courts of Common Law or Equity, or of")

Line 27. Leave out from ("General") to ("Provided") in Line 35.

Line 37. After ("Section") insert ("but not of any other Section")

Page 4.

Line 8. Leave out from ("Justice") to the End of the Clause, and transpose the Clause thus amended to Page 2, after Clause 8.

Line 21. After ("shall") insert ("in this Act mean a Trustee on some express Trust created by some Deed, Will, or Instrument in Writing, and shall also")

Line 22. After ("any") insert ("such")

LORDS AMENDMENTS

TO THE

FRAUDULENT TRUSTEES, &c.

BILL.

*Ordered, by The House of Commons, to be Printed,
11 August 1857.*

[Bill 184.]

Under 1 oz.

11 May 1857. 20 VICT. (Sess. 2.)



A

B I L L

FOR

Transferring the Powers of the General Board of Health to a Committee of the Privy Council.

WHEREAS under the Acts of the Session holden in the Preamble.
 Eleventh and Twelfth Years of Her Majesty, Chapter 11 & 12 Vict.
 Sixty-three and Chapter One hundred and twenty-three, cc. 63. and
 and under other Acts of Parliament, certain Powers and Duties of per- 123.
 5 manent Application are vested in the General Board of Health: And
 whereas the said Board, as re-constituted by the Act of the Session
 holden in the Seventeenth and Eighteenth Years of Her Majesty, 17 & 18 Vict.
 Chapter Ninety-five, is by the Act of the Session holden in the Nine- c. 95.
 teen and Twentieth Years of Her Majesty, Chapter Eighty-five, 19 & 20 Vict.
 10 continued for One Year after the passing of the last-mentioned Act, c. 85.
 and thenceforth until the End of the then next Session of Parliament:
 And whereas it is expedient that the said General Board of Health
 should be discontinued, and that permanent Provision should be made
 for the Exercise of the Powers and Duties now vested in the said
 15 Board: Be it enacted by the Queen's most Excellent Majesty, by and
 with the Advice and Consent of the Lords Spiritual and Temporal,
 and Commons, in this present Parliament assembled, and by the
 Authority of the same, as follows:

I. When Her Majesty, by Order made with the Advice of Her
 20 Privy Council, shall have appointed a Committee of Her said Council, On the Ap-
 [Bill 5.] pointment of
 to of Council a Committee

for Health,
the General
Board of
Health to
cease, and
its Powers
to be trans-
ferred to
such Com-
mittee.

to be styled "The Committee of Council for Health," then upon the Publication of such Order in the London Gazette, or on such subsequent Day as by the Order may be appointed for that Purpose, the General Board of Health shall cease, and all Powers and Duties vested in the General Board of Health under the Acts herein-before mentioned or any other Act of Parliament, or which might have been exercised or performed by such Board if it had not ceased and if its Duration had not been limited, shall become transferred to and vested in and may be exercised and performed by the Lords of the Committee of Council for Health; and all Provisions in any Act of Parliament and in any Order of the General Board of Health, and all Instruments and Documents whatever in which the General Board of Health or any Superintending Inspector or Officer of such Board is mentioned or referred to, shall, so far as may not be inconsistent with the Provisions of this Act, be construed as referring to the Committee of Council for Health or to the Superintending Inspector or Officer of such Committee.

Power to
continue
Officers ap-
pointed by
Board of
Health.

II. It shall be lawful for the Lords of the said Committee, with the Approval of the Commissioners of Her Majesty's Treasury, to continue for the Transaction of the Business transferred to the Lords of the said Committee under this Act all or any of the Officers and Superintending Inspectors appointed by the said General Board of Health, and from Time to Time to remove such Officers and Superintending Inspectors or any of them.

25

Pending
Proceedings.

III. All Inquiries and Proceedings, Matters and Things commenced by or under the Authority of the Board hereby determined may be proceeded with and completed by and under the Authority of the Lords of the Committee of Council for Health.

Acts of the
Committee
of Council
how to be
signified.

IV. Any Order, Direction, Regulation, Appointment, Certificate, Notice, or other Act in execution of the Powers and Duties hereby transferred to the Committee of Council for Health, which, if the General Board of Health had been continued, should have been made or issued under the Seal of the General Board of Health and the Hand of the President, or the Hands of Two or more Members thereof, or in any other Manner or Form, and all other Acts which may be hereafter authorized or required to be done by the Committee of Council for Health, may be signified by a written or printed Document, sealed or stamped with the Seal of the said Committee and signed by a Secretary or other Officer appointed by the said Committee to sign Documents, and no other Signature or Sealing shall be requisite; and every Order, Direction, Regulation,

tion,

tion, Appointment, Certificate, Notice, or other Act signified by a written or printed Document purporting to be so signed and to be sealed or stamped with such Seal shall be deemed to have been duly made, issued, or done by the said Committee, and every such
5 Document shall be received in Evidence in all Courts and before all Justices and others without Proof of the Seal or of the Authority or Signature of such Secretary or other Officer, or other Proof whatsoever, until it be shown that such Document was not signed by the Authority of the said Committee.

General Board of Health.

A

B I L L

For transferring the Powers of the
General Board of Health to a Com-
mittee of the Privy Council.

(*Prepared and brought in by*
Sir George Grey and Mr. Massey.)

Ordered, by The House of Commons, to be Printed,
11 May 1857.

[Bill 5.]

Under 1 oz.



A

B I L L

TO

Continue the General Board of Health.

WHEREAS by the Act of the Session holden in the Seven- Preamble.
teenth and Eighteenth Years of Her Majesty, Chapter
Ninety-five, "to make better Provision for the Adminis- 17 & 18 Vict.
tration of the Laws relating to the Public Health," it was provided, c. 95.
5 that the General Board of Health should be continued only for One
Year next after the Day of the passing of that Act, and thenceforth
until the End of the then next Session of Parliament: And whereas
by an Act of the Session holden in the Nineteenth and Twentieth
Years of Her Majesty, Chapter Eighty-five, the said Board stands 19 & 20 Vict.
10 continued for One Year after the Day of the passing of that Act, c. 85.
and thenceforth until the End of the then next Session of Parliament:
And whereas it is expedient that the said Board should be further
continued: Be it therefore enacted by the Queen's most Excellent
Majesty, by and with the Advice and Consent of the Lords Spiritual
15 and Temporal, and Commons, in this present Parliament assembled,
and by the Authority of the same, as follows; (that is to say,)

I. The said Board shall be continued until the *First Day of* Board of
September One thousand eight hundred and fifty-eight. Health fur-
ther con-
tinued.

[Bill 166.]

II. If

No Salary
to be pay-
able to a
President
holding at
the Time of
his Appoint-
ment any
Office of
Profit.

II. If Her Majesty shall appoint to be President of the General Board of Health any Person who at the Time of such Appointment shall hold any Office of Profit under the Crown, the Person so appointed shall not receive any Salary in respect of such Office of President; and if at the Time of such Appointment he shall be a Member of the House of Commons he shall not by reason of such Appointment vacate his Seat in Parliament. 5

General Board of Health Continuance.

A

B I L L

To continue the General Board of
Health.

(Prepared and brought in by
Mr. Cowper and Sir George Grey.)

*Ordered, by The House of Commons, to be Printed,
29 July 1857.*

[Bill 166.]

Under 1 oz.

26 June 1857. 20 & 21 VICT.



(Ireland.)

A

B I L L

TO

Enable Ecclesiastical Persons in Ireland to grant
Building Leases of Glebe Lands in certain Cases.

WHEREAS it would be for the public Advantage that Preamble.
Ecclesiastical Persons in Ireland should be empowered in
certain Cases to demise a Portion of their Glebe Lands
for Building Purposes: Be it therefore enacted by the Queen's most
5 Excellent Majesty, by and with the Advice and Consent of the Lords
Spiritual and Temporal, and Commons, in this present Parliament
assembled, and by the Authority of the same, as follows:

I. In citing this Act for any Purpose it shall be sufficient to use Short Title.
the Expression "The Glebe Lands Leasing Powers (Ireland) Act,
10 1857."

II. In the Construction of this Act the Words "Lord Lieutenant" Interpretation
shall include any Chief Governor or Governors of Ireland; the Words of certain Terms:
"Successors in Estate" shall mean the Persons entitled for the Time "Lord Lieutenant:"
being, after the Lessor, to the Receipt of the Rents of the Lands "Successors
15 comprised in any Lease made under this Act; the Word "Lessee" in Estate:"
shall include the personal Representative of any Lessee and his lawful "Lessee:"
Assigns; the Word "Lessor" shall include the Successors in Estate "Lessor:"
[Bill 96.] A of

“Ecclesiastical Person:” of any Lessor; the Words “Ecclesiastical Person” shall include Archbishops, Bishops, and all other Ecclesiastical Corporations, sole or aggregate; the Word “Town” shall mean any Borough or Town Corporate in Ireland, and any Town in which a Board of Municipal Commissioners shall have been elected under the Provisions of an Act of the Third and Fourth Years of the Reign of Her Majesty, Chapter One hundred and eight, or in which Town Commissioners shall have been appointed under the Provisions of an Act of the Ninth Year of King George the Fourth, Chapter Eighty-two, or an Act of the Seventeenth and Eighteenth Years of Her Majesty, Chapter One hundred and Three, or any Act amending the same.

Ecclesiastical Persons enabled to grant Building Leases. III. It shall be lawful for any Ecclesiastical Person in Ireland entitled to any Glebe Lands situate within the Limits of any City, or Town in Ireland, or within *Two Miles* thereof, from Time to Time to make Leases of any Part of such Lands for building thereon, either together or in Parcels, for any Term of Years not exceeding *Ninety-nine Years*, to take effect in possession and not in reversion, or by way of future Interest, subject to the Provisions in this Act contained.

The best improved Rent without Fine to be reserved in Leases under this Act. IV. The Rent reserved in any such Lease shall be the best improved yearly Rent that, at the Time of making such Lease, can be obtained or reasonably expected from a solvent Tenant, without taking any Fine or other Consideration of any Kind, and so that no such Lessee be made punishable for Waste: Provided always, that it shall be lawful to reserve a reduced Rent for the First *Three Years* of the Term.

Restrictions on leasing Lands under this Act. V. No such Lease shall include the Glebe House, Mansion House, or Place of Residence of any Ecclesiastical Person, or the Demesne, Lands, Garden, or Pleasure Grounds and Appurtenances belonging to or usually occupied therewith, or which may be necessary or convenient for actual Occupation with such Glebe House, Mansion House, or Place of Residence; and where there is no House or Place of Residence on such Glebe Lands, no such Lease shall include any Portion of the Glebe Lands that may be required or suitable for the Erection of a Glebe House or Place of Residence thereon, unless the Consent written on or annexed to such Lease shall specify that a sufficient Quantity of Land required and suitable for the Erection of a Glebe House or Place of Residence remains undemised in the Hands of such Ecclesiastical Person; and provided also, that no Lease made under this Act by any Archbishop shall be valid without the Consent of the Lord Lieutenant, or by any Bishop without the Consent of the Archbishop of his Province, or by any other Ecclesiastical

tical Person without the Consent of the Archbishop of the Province, the Bishop of the Diocese, and of the Patron of such Benefice, and such Consents shall be testified by the Persons whose Consents are hereby required respectively being Parties to and signing and sealing 5 such Leases, or signing a written Endorsement of such Consent thereon.

VI. Whenever any Lease is intended to be made under the Authority of this Act, a Map or Plan under actual Survey of the Lands proposed to be leased shall be made by a competent Land 10 Surveyor, to be appointed by the Person desirous of making the Lease, showing the local Situation and Quantity of the Lands proposed to be leased, and of the Lands intended to be reserved; and such Surveyor shall also make a Valuation, on actual Survey, of the Lands proposed to be leased, and shall report what is the best 15 yearly Rent which ought to be reserved on a Lease of such Lands, and shall also report upon all such other Matters connected with such intended Lease as he shall be directed to report upon; and the Map or Plan, Certificate, Valuation, and Report, shall be respectively signed by such Surveyor, and verified by his Declaration to be made 20 before any Justice of the Peace: Provided always, that when there shall be any existing Map or Plan, made under actual Survey of the District, which shall include the Lands intended to be demised, a Copy of or Extract from such Map or Plan may be substituted for the Map or Plan herein-before directed to be made.

Before Lease granted a Surveyor to make Maps, Certificate, Valuation, and Report respecting such Lease.

Existing Maps may be used.

VII. Every Lease made under this Act shall contain a Covenant that the Tenant shall pay the Rent reserved, and all Taxes and Impositions whatsoever which shall be payable in respect of the Lands thereby demised, and also a Condition and Agreement on the Part of the Lessee to erect in a permanent and substantial Manner on the 30 demised Premises, Buildings of a Value to be specified therein, and to keep such Buildings during the Term in good and substantial Repair, and insured against Damage by Fire in *Three Fourths* at least of the Value thereof, and also that the Lessee will lay out the Money to be received on any such Insurance, and all such other Sums of Money 35 as shall be necessary, in substantially reinstating such Buildings as shall be destroyed or damaged by Fire, and to give up peaceable Possession of the Lands so demised, with all Buildings, Fixtures, and Improvements therein, on the Determination of such Lease; and also every such Lease shall contain a Power of Re-entry, in case such 40 Buildings shall not have been erected within *Five Years* from the Commencement of the said Lease: Provided also, that nothing herein contained shall be construed to preclude the Lessor in any such Lease from covenanting that the Lessee may take from off the demised

Covenants to be contained in Leases.

Premises Brick, Earth, Stone, Lime, or other Materials for the Erection or Repair of the said Buildings, or the Construction or Repair of Drains connected therewith.

Execution
by Lord
Lieutenant,
Archbishop,
Bishop, and
Patron to be
Evidence
that the
Lands are
proper to be
leased.

VIII. The Consent of the Lord Lieutenant, Archbishop, Bishop, and Patron, whose Consents are hereby made requisite to any Lease testified in manner herein-before described, shall be conclusive Evidence that such Lease does not comprise any Lands which ought not to be leased under the Provisions of this Act, and that a proper Portion of the Glebe Land remains unleased, and that the Rent thereby reserved is the best and most improved Rent, and that the Conditions required by this Act have been duly observed. 5 10

When Patron
is under
Incapacity
or beyond
Seas.

IX. Whenever the Patron shall happen to be a Minor, Idiot, Lunatic, or Feme Covert, it shall be lawful for the Guardian, Committee of the Estate, or Husband (as the Case may be) of such Patron (but in the Case of a Feme Covert not being a Minor, Idiot, or Lunatic, with her Consent in Writing,) to execute the Instrument by which such Consent is to be testified in Testimony of the Consent of such Patron, and such Execution shall, for the Purposes of this Act, be deemed and taken to be an Execution by the Patron of the Benefice. 15 20

Consent
when the
Patronage is
in the Crown.
When in a
Corporate
Body.

X. Whenever the Patronage shall be in the Crown, the Consent of the Crown shall be testified by the signing of such Consent by the Lord Lieutenant; and whenever the Patronage shall belong to any Dean and Chapter, or Collegiate or other Corporate Body having a Common Seal, the Consent of such Corporate Body shall be testified by the sealing of the Instrument by which such Consent is testified with the Common Seal of such Corporate Body. 25

Person who
for the Time
being would
be entitled
to present
shall be con-
sidered the
Patron.

XI. The Person or Persons (if not more than Two), or the Majority of the Persons (if more than Two), or the Corporation who or which would for the Time being be entitled to the Turn or Right of Presentation to any Benefice if the same were then vacant, shall, for the Purposes of this Act, be considered to be the Patron thereof: Provided nevertheless, that in the Case of the Patronage being exercised alternately by different Patrons, the Person or Persons (if not more than Two), or the Majority of the Persons (if more than Two), or the Corporation, who or which would for the Time being be entitled to the Second Turn or Right of Presentation to any Benefice if the same were then vacant, shall, for the Purposes of this Act, jointly with the Person or Persons or Corporation entitled to the First Turn or Right of Presentation, be considered to be the Patron thereof. 30 35 40

XII. Every

XII. Every Lease made pursuant to the Provisions of this Act shall be by Indenture, and a Counterpart of every such Lease shall be executed by the Lessee thereof, and shall be valid and effectual to bind the Lessor and his Successors, provided that the same shall
5 within *Six* Months from the Execution thereof by the Lessor be enrolled in the Rolls Office of the High Court of Chancery in Ireland, for which no greater Fee than *Ten Shillings* shall be chargeable.

Lease to be
by Inden-
ture.

XIII. This Act shall extend to Ireland only.

Act only
to extend to
Ireland.

Glebe Lands (Ireland).

A

B I L L

To enable Ecclesiastical Persons in Ireland to grant Building Leases of Glebe Lands in certain Cases.

(Prepared and brought in by
Mr. Attorney General for Ireland and Mr. Herbert)

*Ordered by The House of Commons to be Printed,
26 June 1857.*

[Bill 96.]

Under 1 oz.

13 May 1857. 20 VICT. (Sess. 2.)



(Ireland.)

A

B I L L

TO

Amend the Act of the Sixth and Seventh Years of King William the Fourth, Chapter One hundred and sixteen, for consolidating and amending the Laws relating to the Presentment of Public Money by Grand Juries in Ireland.

WHEREAS by an Act passed in the Sixth and Seventh Years of the Reign of His Majesty King William the Fourth, Chapter One hundred and sixteen, intituled “An Act to consolidate and amend the Laws relating to the Presentment of Public Money by Grand Juries in Ireland,” great Loss and Inconvenience has arisen to the Public from the Want of proper Contractors to tender at adjourned Road Sessions for the Execution of Works previously sanctioned at the First Sessions: And whereas it is expedient in such Cases to make further Provision for the Repair, Maintenance, and Construction of such Public Works: Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

15 I. When any Application for the Repair, Maintenance, or Construction of any Public Work or Road shall have been approved of at [Bill 16.]

Preamble
When no Contract entered into
Road

2 *Grand Juries (Ireland) Act (1836) Amendment.*

for Works
approved of
at Sessions,
Grand Jury
may do so.

Road Sessions, and duly advertised for Tenders in the Manner directed and provided for in the said recited Act, if no proper Contractor shall tender at the adjourned Sessions, or if no Proposal shall be made or accepted for such Work, the Grand Jury at the next Assizes shall have Power and Authority to present, for such Work of Repair, 5 Maintenance, or Construction, any Sum of Money in such Case necessary, not exceeding the Amount approved of at Road Sessions, and to enter into any Contract for its Execution, or, if they shall see fit, to direct the County Surveyor to execute the same, anything in the said recited Act to the contrary notwithstanding. 10

Treasurer to
advance on
Certificate of
Surveyor
any Sum
not exceed-
ing that pre-
sented for.

II. When any Work shall be given in charge to the County Surveyor for Execution by any Grand Jury under the Authority of the said recited Act or of this Act, the Treasurer of the County shall from Time to Time, in such Manner and under such Regulations as the Grand Jury may direct, out of any Monies in his Hands available for 15 the general Purposes of the County, pay and advance such Sums to Contractors, Artificers, or Workmen as may be duly certified by such Surveyor, not exceeding the Sum presented for such Work as afore-said, and such Monies so advanced shall be replaced by the Monies raised and levied under said Presentment. 20

This Act and
recited Act
to be con-
strued to-
gether.

II. This Act and the said recited Act shall be construed as One Act.

Grand Juries (Ireland) Act
(1836) Amendment.

A

B I L L

To amend the Act of the Sixth and Seventh Years of King William the Fourth, Chapter One hundred and sixteen, for consolidating and amending the Laws relating to the Presentment of Public Money by Grand Juries in Ireland.

(*Prepared and brought in by
Mr. Magan and Colonel Greville.*)

*Ordered, by The House of Commons, to be Printed,
13 May 1857.*

[Bill 16.]

Under 1 oz.

9 June 1857. 20 VICT. (Sess. 2.)



A

B I L L

TO

Dispense with the Attendance of Grand Juries at the Central Criminal Court and at Courts of General and Quarter Sessions holden within the Metropolitan Police District, except in particular Cases.

WHEREAS it is expedient that Charges to be preferred for Preamble.
 Trial at the Central Criminal Court, or at the Sessions of
 the Peace holden within the Metropolitan Police District,
 should be made before a Justice or Justices of the Peace previously
 5 to Trial; and by reason of the Improvements which have been
 effected in the Administration of Criminal Justice within the District
 under the Jurisdiction of the Central Criminal Court, and within the
 Metropolitan Police District, the Intervention of a Grand Jury may
 with Advantage be dispensed with, except in particular Cases, herein-
 10 after mentioned: Be it enacted by the Queen's most Excellent Majesty,
 by and with the Advice and Consent of the Lords Spiritual and
 Temporal, and Commons, in this present Parliament assembled, and
 by the Authority of the same, as follows:

I. From and after the *passing of this Act*, the Attendance of a Attendance
 15 Grand Jury shall not be required at the Central Criminal Court, or at of Grand
 [Bill 54.] Jury not to
 any be required

at Central
Criminal
Court, &c.

any Court of General or Quarter Sessions holden within the Metropolitan Police District, and all Charges in respect of Offences now by Law indictable to be tried at the said Court or at any such Session shall be tried upon Information filed according to the Provisions of this Act, except as herein-after provided.

5

No Charge
to be tried
at Central
Criminal
Court, &c.
unless pre-
viously in-
vestigated
before a
Justice.

Officer of
the Court to
prepare
Information.

II. No such Charge shall be tried at the Central Criminal Court or at any such Sessions as aforesaid unless it shall have been previously investigated before a Justice or Justices of the Peace in the Manner prescribed by Law with respect to Persons charged with indictable Offences, and unless the Person accused shall have been committed for Trial or bound by Recognizance to appear and take his Trial at any of the Courts aforesaid; and when any Person shall have been so committed or bound to appear and take his Trial upon any Charge at any such Court, the Clerk or other proper Officer of the Court at which the Charge is to be tried shall prepare and put upon the Files of such Court an Information in the Form contained in the Schedule of this Act, or to the like Effect, and the Offence with which the accused Person shall be charged shall be described and set forth in such Information as fully as it would have been in an Indictment, and every Information so filed shall be as and in lieu of an Indictment found by a Grand Jury, and all Proceedings relating thereto shall be had and taken as if such Information had been an Indictment found by a Grand Jury, and the Law applicable to Indictments so found shall be applicable as far as can be to every such Information.

25

Attorney
General
may direct
Information
to be filed,
whether
Charge
previously
investigated
or not.

III. Provided always, That, notwithstanding anything herein-before enacted, it shall be lawful for Her Majesty's Attorney General, by Writing under his Hand, to direct that an Information under the Provisions of this Act shall be filed in respect of any indictable Offence with which any Person may be charged, whether such Charge shall or shall not have been previously investigated before a Justice or Justices of the Peace.

Act not to
apply to
certain
Offences.

IV. Nothing herein-before contained shall apply to any Charge of Treason or Misprision of Treason, but in such Cases a Special Commission shall issue, and all Proceedings thereon shall be had and taken as if this Act not been passed.

Not to alter
Procedure
for Trial on
Verdict on
Coroner's
Inquisition.

V. Nothing herein-before enacted shall apply to or alter the Procedure for the Trial of any Person against whom a Verdict has been found of Murder or Manslaughter upon a Coroner's Inquisition.

SCHE-

SCHEDULE to which this Act refers.

FORM of INFORMATION by Clerk or Officer of Court.

Venue. } *A.B.*, Clerk [*or other proper Officer of the Court*], who pro -
secutes for our Lady the Queen in this Behalf, gives the
Court here to understand and be informed that [*then proceed to set
forth the Offence charged in the usual Form of an Indictment*].

Second Count.

The said Clerk [*or Officer*] further gives the Court to understand
and be informed that, &c.

Grand Juries (Metropolitan Police District).

A

B I L L

To dispense with the Attendance of Grand Juries at the Central Criminal Court and at Courts of General and Quarter Sessions holden within the Metropolitan Police District, except in particular Cases.

*(Prepared and brought in by
Sir Frederic Thesiger, Mr. Walpole, and
Mr. Hildyard.)*

*Ordered, by The House of Commons, to be Printed,
9 June 1857.*

[Bill 54.]

Under 1 c.

23 June 1857. 20 & 21 Vict.



A

B I L L

TO

Amend the Charter of Incorporation granted to
the Borough of Hanley in the County of Stafford.

WHEREAS by an Act passed in the Session holden in the Preamble.
Second and Third Years of Her Majesty, intituled "An 2 & 3 Vict.
" Act for establishing an effective Police in Places within c. lxiv.
(Local.)
" or adjoining to the District called the Staffordshire Potteries, and
5 " for improving and cleansing the same, and better lighting Parts
" thereof," it was enacted that the Third District, for the Purposes of
that Act, should comprise, among other Places, such Part of the
Township of Shelton as comprised any Part of the Glebe Lands then
belonging to the Rector of Stoke-upon-Trent, or any Lands which, on
10 the Twentieth day of May One thousand eight hundred and twenty-
five, were Parcel of the Glebe Lands of the Rector of Stoke-
upon-Trent aforesaid, and the Powers of the said Act extend
over the said Part of the Township of Shelton: And whereas
the Inhabitant Householders of Hanley and Shelton in the
15 County of Stafford, did petition Her Majesty to grant to the Inha-
bitants of the said Towns, under the Name of Hanley, a Charter
of Incorporation, and such Petition was taken into consideration by
the Privy Council; and in pursuance of the Advice of the said Privy
Council it was intended that a Charter of Incorporation should be
20 granted, which should include the whole of the Townships of Hanley
and
[Bill 83.]

and Shelton, with the Exception of that Portion of the Township of Shelton which is included in the District over which the Powers of the said Act of the Second and Third Years of Her Majesty extend (videlicet, the Part of the Township of Shelton comprised in the said Third District for the Purposes of that Act), which 5 Portion is commonly known by the Name of the Glebe Lands: And whereas a Charter of Incorporation has been granted by Her Majesty, and bears Date the Twenty-second Day of May last past, by which the Inhabitants of the District comprised within the Town 10 of Hanley and Shelton, and comprising the whole of the said Townships of Hanley and Shelton, are expressed to be incorporated by the Name of the Mayor, Aldermen, and Burgesses of the Borough of Hanley, and, through Inadvertence no Exception has been made in the said Charter of the said Part of the Township of Shelton over which the Powers of the said Act of the Second and Third Years of Her 15 Majesty extend: And whereas it is expedient that the Error in the said Charter should be corrected, and that the Charter, as so amended, should be confirmed: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Par- 20 liament assembled, and by the Authority of the same, as follows:

The Incorporation of Hanley to take effect as if Part of the Township of Shelton had been duly excepted therefrom.

I. The said Charter of Incorporation shall be read and shall take effect as if the said Part of the Township of Shelton over which the Powers of the said Act of the Second and Third Years of Her Majesty extend had been duly excepted from the District comprised 25 in such Charter, and had been therein also excepted from the Wards or Ward of the said Borough of Hanley, as described in the said Charter, in which it may now be comprised.

Postponement of Time for completing Revision of Burgess Lists, and for subsequent Proceedings.

II. And whereas under the said Charter the Revision of the Burgess List cannot be continued after the Sixth Day of July One 30 thousand eight hundred and fifty-seven: The Burgess Roll is to be completed on or before the *Thirteenth Day of July One thousand eight hundred and fifty-seven*; the First Election of Councillors is to be holden on the *Twentieth Day of July One thousand eight hundred and fifty-seven*; the First Aldermen are to be elected and assigned to 35 their respective Wards on the *Twenty-ninth Day of July One thousand eight hundred and fifty-seven*; and the First Election of Auditors and Assessors is to take place on the *Tenth Day of August One thousand eight hundred and fifty-seven*; the several Days limited and appointed for the Purposes aforesaid by the said Charter shall be 40 postponed for the Space of *One Calendar Month* as if the Month of August had been mentioned in the said Charter instead of the Month

of

of July, and the Month of September had been mentioned therein instead of the Month of August.

III. Provided always, That in case the Revision of the Burgess List for the said Borough have been completed before the passing of this Act, the Names of the Persons therein appearing to be rated in respect of Property within that Part of the Township of Shelton which by this Act is excepted from the District comprised in the said Charter shall be omitted from the Burgess Roll to be made out for the said Borough in like Manner as if their Names had been expunged from the said Burgess List by the Barrister who revised the same ; and in case such Burgess Roll have been made out before the passing of this Act, then the same shall be amended by One of the Persons by the said Charter authorized to make out such Roll, by expunging therefrom the Names of the Persons therein appearing to be rated as aforesaid ; and such Burgess Roll made out or amended as aforesaid shall be valid for the Purposes of the said Charter as amended by this Act.

Proviso in case Revision of Burgess List be completed, &c., before passing of Act.

IV. The said Charter, as amended by this Act, shall be deemed good and lawful.

Charter as amended confirmed.

Hanley Borough Incorporation.

A

B I L L

To amend the Charter of Incorporation granted to the Borough of Hanley in the County of Stafford.

(Prepared and brought in by
Mr. Massey and Sir George Grey.)

*Ordered, by The House of Commons, to be Printed,
23 June 1857.*

[Bill 83.]

Under 1 oz.



A

B I L L

TO

**Amend the Laws relating to the Management of
the Highways in England and Wales.**

WHEREAS it is expedient to amend the Laws relating to the Management of the Highways in England and Wales :
Be it enacted by the Queen's most Excellent Majesty,
by and with the Advice and Consent of the Lords Spiritual and
5 Temporal; and Commons, in this present Parliament assembled, and
by the Authority of the same, as follows :

- I. The Act of the Session holden in the Fourteenth and Fifteenth
Years of the Reign of Her present Majesty, Chapter Sixteen, shall
be and the same is hereby repealed. Repeal of 14 & 15 Vict. c. 16.
- 10 II. So much of the Act of the Session holden in the Fifth and
Sixth Years of the Reign of King William the Fourth, Chapter Fifty,
and of the several Acts for amending the same, as is repugnant to or
inconsistent with this Act, shall be and the same is hereby repealed. Repeal of so much of 5 & 6 W. 4. c. 50. as is repugnant to this Act.
- 15 III. Provided, that nothing in this Act contained shall revive or
give Force or Effect to any Enactment repealed by the said recited
Acts or either of them, or shall affect or interfere with any Act done,
[Bill 56.] **A** Not to re-vive repealed Acts, or affect Pro-ceedings
or

underrecited Acts. or any Contract or Agreement made, under the Authority of the said recited Acts or either of them, or shall prevent or defeat any Prosecution or Proceeding commenced or to be commenced for the Recovery of any Penalty or Forfeiture in respect of any Offence committed against the said recited Acts or either of them, or for the 5 Abatement or Removal of any Nuisance or Encroachment made in breach of any of the Provisions of the said recited Acts or either of them, but all such Contracts and Agreements may be enforced, and all such Offences, Encroachments, and Nuisances prosecuted, abated, and removed, and all such Penalties and Forfeitures sued for, 10 recovered, and applied, as if this Act had not been passed.

Petty Sessional Divisions to form Districts for Management of Highways. Highway Board for each District; Justices acting for Division, Incumbents of Parishes, and Waywardens, to be Members. IV. The Divisions in England and Wales for holding Petty Sessions of Justices of the Peace shall, except as herein-after provided, severally form and be Highway Management Districts; and the Justices of the Peace acting in and for any such Division, and the 15 Incumbents of the several Parishes within the same, and the Waywardens, to be elected as herein-after provided, of and for the several Parishes within the same, shall form and be a Board for the Management of the Highways in such District, and every such Board shall be a Body Corporate by the Style of "The Highway Board for the 20 District of _____," [inserting the Name or Names by which the Petty Sessional Division or Divisions is or are known], and by that Name shall have perpetual Succession and a Common Seal, and sue and be sued, and have Power and Authority, without Licence in Mortmain, to hold Lands for the Purposes of the Highways within 25 such District: Provided, that this Act shall not extend to apply to any Parish or District mentioned in either of the Schedules to the Act of the Nineteenth Year of Her Majesty's Reign, Chapter One hundred and twenty, for the better local Management of the 30 Metropolis.

Provisions in case of Alteration of Petty Sessional Divisions under 9 G. 4. c. 43. V. Where any Statement is hereafter made under the Provisions of the Act of the Ninth Year of the Reign of King George the Fourth, Chapter Forty-three, for the Purpose of the Alteration of any Petty Sessional Division, the Justices transmitting such Statement shall therein state their Opinion whether or not such Alteration should 35 affect any such Division as constituting a Highway Management District under this Act; and where the Justices at any Quarter Sessions make any Alteration in any Petty Sessional Division to which any such Statement relates, they shall in their Order express and provide that the Petty Sessional Divisions as constituted under such Order 40 shall be a Highway Management District under this Act, or that the previously existing Petty Sessional Division shall continue to constitute such District, as the Justices in their Discretion may think fit; and where such Justices provide that any Petty Sessional Division constituted

constituted under such Order shall be a Highway Management District, they shall in their Order provide from what Day such Petty Sessional Division shall become such District.

VI. Where the Justices at Quarter Sessions make any Order for
 5 constituting any new Highway Management District, or for altering
 the Limits of any Highway Management District, they shall by their
 Order constituting such new District, or making such Alteration,
 give such Directions with respect to the Adjustment of Accounts, or
 the Payments made or to be made under this Act to or for Use
 10 of the Highway Board of such District, and such other Matters (if
 any) as by reason of the Alterations made by such Order may
 require to be specially provided for, as to such Justices may seem
 proper; and from the Time from which the Alterations made by such
 Order are to take effect the Provisions of this Act shall be appli-
 15 cable with respect to the Constitution of and otherwise with respect
 to the Highway Board for every Highway Management District, as
 the same may be constituted or altered under such Order, and to the
 Parishes within such District, and the Highways of such Parishes, as
 if such District so constituted or altered had been originally con-
 20 stituted under this Act.

Justices to
 give Direc-
 tions with
 respect to
 Accounts
 and Pay-
 ments ren-
 dered neces-
 sary by any
 Alterations,
 &c.

VII. Where any Parish is situate in more than One County, or in
 more than One Petty Sessional Division of a County, or is situate
 partly within and partly without any incorporated Borough, the
 25 whole of such Parish shall, for the Purposes of this Act, be deemed
 to be within and to be Part of the Highway Management District
 or Borough (as the Case may be) within which the Church of such
 Parish is situate.

Provision
 as to Parishes
 situate in
 more than
 One County,
 &c.

VIII. Provided always, That the Council of every incorporated
 30 Borough shall, with respect to Parishes and Places within such
 Borough, have and be subject to the Powers and Obligations hereby
 vested in or imposed on any Highway Board with respect to
 Parishes and Places within the District of such Board, save that
 such Powers shall not extend to the Appointment of a separate Clerk
 35 or Treasurer for the Purposes of this Act; and the Provisions of this
 Act applicable to a Highway Management District, and to the Clerk,
 Treasurer, and District Surveyor of a Highway Board, shall, in the
 Case of an incorporated Borough, be applicable to such Borough
 and to the Town Clerk, Treasurer, and Surveyor thereof respec-
 40 tively; and all Acts to be done by the Council of any such Borough,
 under the Powers of this Act shall be done in like Manner in all
 respects as if done by virtue of the Act of the Fifth and Sixth
 Years of the Reign of King William the Fourth, Chapter Seventy-six.

In Boroughs
 having sepa-
 rate Com-
 missions of
 the Peace
 Councils to
 have the
 Powers of
 Highway
 Boards.

11 & 12 Vict.
c. 63.

Repair of
Highways by
Local Boards
of Health to
be defrayed
by Highway
Rates upon
the whole
District.

IX. And whereas under the "Public Health Act, 1848," the Local Board of Health within the Limits of their District are to execute the Office of and be Surveyor of Highways, and have all such Powers, Authorities, Duties, and Liabilities as any Surveyor of Highways in England is or may be invested with or liable to, by virtue of his Office, 5 by the Laws in force for the Time being, except in so far as such Powers, Duties, or Authorities are or may be inconsistent with the Provisions of the said Act: And whereas Doubts have arisen whether the Highways within the District of a Local Board of Health are to be repaired by means of a Highway Rate, or by means of a General 10 District Rate to be levied under the said Act; and it is expedient that such Doubts should be removed: Be it therefore declared and enacted, That all Expenses in relation to the Highways within the Limits of the District of any Local Board of Health constituted under the said last-mentioned Act, which, if such Local Board had 15 not been constituted, would have been defrayed by means of Highway Rates, shall be defrayed by means of Highway Rates to be made, assessed, and levied by such Local Board of Health upon all Property which, if such Board had not been constituted, would have been liable to be rated to or for the Repair of any of the Highways within such 20 District, and according to the Rules of Valuation and Assessment applicable to Highway Rates.

Where the
District of a
Local Board
of Health
comprises
more than
One High-
way District
each such
District to be
charged with
the Expenses
of its own
Highways.

X. Provided always, That where the District of any such Local Board of Health comprises Two or more Places which before the passing of the Public Health Act, 1848, were Districts separately main- 25 taining their own Highways, all the Expenses in relation to the Highways within each such Place shall be defrayed by means of a separate Highway Rate or Rates, to be so made, assessed, and levied as aforesaid on each such Place by such Local Board; and for the Purpose of this Provision, where a Part of any such Place as aforesaid is com- 30 prised in the District of such Local Board, such Part shall be deemed to have been a District separately maintaining its own Highways.

Certain Pro-
visions of the
Public
Health Act,
1848, to be
applicable to
Highway
Rates.

XI. Provided also, That any Highway Rate to be made by any such Local Board shall be collected by such Persons as the Local Board of Health shall from Time to Time appoint, and the Provisions 35 of the Public Health Act, 1848, for and concerning the Amendment of and Appeal against any Rate made under or in pursuance thereof, and the Recovery of such Rate, and the Reduction or Remission of Payment of such Rate on account of Poverty, and concerning Evidence of any such Rate, and in relation to the Accounts 40 of such Local Board, shall apply to any Highway Rate to be made by the Local Board, and to the Accounts of the said Board in relation to their Receipts and Expenditure in respect of the Highways, in lieu
of

of any other Provisions concerning the like Matters which might otherwise be applicable to such Rate and the Accounts of such Board in relation to such Receipt and Expenditure: And no Highway Board constituted under this Act shall, nor shall any Officer thereof, have any Authority whatever within the Limits of the District of any such Local Board of Health; nor shall any Part of the District of any such Local Board be deemed to be within any Highway Management District formed under this Act.

XII. No General District Rate made before the *Commencement of this Act* by any such Local Board shall nor shall the Application thereof be deemed invalid or illegal by reason of such Rate having been made or applied wholly or in part for defraying any Expenses in relation to the Highways within the Limits of the District of such Local Board; and every such Rate, so far as the same has not been levied and collected and applied before the *Commencement of this Act*, may be levied and collected, and may be applied wholly or in part, (as the Case may be,) for or towards the defraying of such Expenses as aforesaid, and such Local Board, and all Persons acting under their Authority, are hereby released and indemnified from and against all Proceedings whatsoever on account of the making, levying, and collecting of any such Rate, or the Application thereof for defraying any such Expenses as aforesaid, or on account of the defraying before the *Commencement of this Act* of any such Expenses out of the District Fund Account.

XIII. The Act of the Thirteenth Year of the Reign of Her Majesty, Chapter Thirty-five, "for requiring annual Returns of the Expenditure "on Highways in England and Wales to be transmitted to the Secretary "of State, and afterwards laid before Parliament," shall apply to the Clerk to every such Local Board of Health as aforesaid in like Manner as to the Clerk to any such Trustees or Commissioners as in such Act mentioned.

Returns respecting Highways under 12 & 13 Vict. c. 35. to be made by Clerks to Local Boards of Health.

XIV. In case it shall be resolved by any Highway Board that by reason of the Extent of the District of such Board, or otherwise, it is expedient that the same should be divided into Two or more Highway Management Districts, or that by reason of the Smallness of the District of such Board, or otherwise, it is expedient that the same should not form a separate Highway Management District, such Board shall transmit to the Clerk of the Peace for the County in which such District is comprised a Certificate of such Resolution; and at the Quarter Sessions next following the Receipt of such Certificate the Clerk of the Peace shall lay the same before the Justices in such Sessions assembled; and at the Quarter Sessions next thereafter following, the Justices in such Sessions assembled shall take such Certificate

Upon Resolution of Highway Board Quarter Sessions may alter, divide, or join Districts.

ficatc into their Consideration, and shall, if they think fit, alter or divide any such District, or where it has been certified that it is expedient that any such District should not form a separate Highway Management District, annex such District to any adjoining District, or annex different Parts thereof to different adjoining Districts; and in every such Case such Justices shall make an Order for such Alteration, Division, or Annexation, as the Case may be, and shall in such Order fix the Name of every new District constituted by such Division, and particularly enumerate the Parishes to be comprised in each such new District, or to be annexed to any adjoining District or Districts, and the District or Districts to which they are to be so annexed, and shall in every such Order name the Day on which the same is to take effect.

Appoint-
ment of Dis-
trict Sur-
veyors.

XV. The Justices of the Peace of every County in Sessions assembled, at the Quarter Sessions to be holden next after the Commencement of this Act or at some Adjournment thereof, and so from Time to Time at the Quarter Sessions to be holden next after the Death, Resignation, or Removal of any Person appointed as hereinafter next mentioned, or some Adjournment thereof, shall appoint in their Discretion One or more District Surveyors of Highways in and for every Highway Management District within the County; and every Person so appointed shall receive such annual Salary as the Highway Board of the District in and for which he is appointed shall determine, the Amount of such Salary being certified by such Board by Writing under their Seal to the said Justices of the Peace in Sessions assembled before such Appointment; and the Justices of the Peace of the County in Quarter Sessions assembled may from Time to Time remove every such District Surveyor: Provided, that in case of the Misconduct of any District Surveyor, the Highway Board of such District may suspend him from his Office, and in such Case, and also in case of the Illness, Incapacity, Resignation, or Death of any such Surveyor, may provisionally appoint another Person to fill such Office, and to receive the Salary thereof, until the next Quarter Sessions.

Highway
Board to ap-
point Clerk
and Trea-
surer.

XVI. The Highway Board for each District shall, at their First Meeting, or at some Adjournment thereof, by Writing under their Seal, appoint proper Persons to be respectively Clerk and Treasurer to such Board, and such Clerk shall receive such Salary as the Board shall from Time to Time determine; and such Board may from Time to Time remove any Person so appointed Clerk or Treasurer, and shall, in case of Vacancy in any such Office, as soon as conveniently may be, appoint some other proper Person to such Office; or if any such Officer be at any Time prevented by Illness or other sufficient Cause

Cause from performing the Duties of his Office, such Board may appoint a fit Person to act as a temporary Substitute for such Officer, and may allow such Substitute a reasonable Compensation for his Services. Provision in case of Illness, &c. of Officers.

- 5 XVII. Before any Person enters upon the Office of Treasurer, Clerk, or District Surveyor, the Board shall take sufficient Security for the due Performance by him of the Duties of his Office. Security to be taken from Officers.

- XVIII. The Offices of Treasurer and Clerk of any Highway Board shall not be held by the same Person, or by Persons in Partnership with each other, or by Persons in the Relation of Employer and Clerk, Agent, or Servant, one of the other, or of the Partner of either of them; and if any Person shall accept or hold the Office of Clerk or of Treasurer, contrary to this Provision, he shall forfeit and pay the Sum of ~~one hundred dollars~~ to any Person who shall sue for the same, to be recovered with full Costs of Suit in any Court of competent Jurisdiction. Treasurer and Clerk not to be the same Person, &c.
- 10
- 15

- XIX. No Appointment of any Clerk, Treasurer, or Surveyor under this Act, or of any Deputy or Assistant to any such Officer, nor any Treasurer's Receipt for any Sum received on account of any Highway Board, shall be subject to or chargeable with any Stamp Duty. Appointments, &c. not to be stamped.
- 20

- XX. The Highway Board for every District shall in every Year hold not less than *Four* regular Meetings, at such convenient Place or Places in their District, and at such Times, as they shall appoint, for the Execution of their Powers and Duties under this Act; and any such Board may also hold Special Meetings, to be called by the Clerk to such Board, by the Direction of the Chairman or Vice Chairman, or on the Requisition of Three Members of such Board; and any Meeting of any such Board may be adjourned from Time to Time to any Day and Hour, and to the same or any other Place; and if there be not *Three* Members of the Board present within One Hour after the Time appointed for holding any Meeting or adjourned Meeting, then the Member or Members present, or if no Member be present the Clerk to such Board, shall adjourn such Meeting in manner aforesaid Meetings of Highway Board.
Special Meetings.
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- 30

- XXI. Notice in Writing of every Special Meeting of any Highway Board, and of every Meeting thereof holden by Adjournment, shall be given or sent to or left at the Place of Abode of every Member of such Board, *Seven* Days at least, or, in the Case of a Meeting holden by Adjournment, *Three* Days at least before the Day appointed for the Meeting to which it relates; and every such Notice shall be signed by the Clerk to such Board, and shall, where it relates to a Special
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- 40

Meeting or to any Adjournment thereof, specify the Business, Matters, and Questions to be done or discussed thereat; and in such Cases, no Business, Matter, or Question shall be done or discussed at any such Special Meeting, or Adjournment thereof, other than are specified in such Notice.

5

Election of
Chairman
and Vice
Chairman of
Board.

XXII. The Highway Board for each District shall, at their First regular Meeting held after the *Commencement of this Act*, or some Adjournment thereof, and afterwards at their First regular Meeting in every Year, or some Adjournment thereof, in the first place elect and appoint Two Members of such Board to be the Chairman and Vice 10 Chairman respectively of such Board until the next Election and Appointment thereof respectively; and the Chairman, or in his Absence at the Commencement of any Meeting, the Vice Chairman, shall preside at all Meetings of such Board, and shall have a Casting Vote in addition to his own Vote; and in case at the Commencement 15 of any Meeting both such Chairman and Vice Chairman be absent, then such other Member of the Board as may be chosen by the major Part of the Members present shall preside as Chairman of such Meeting, with the like Casting Vote; and whenever any such Chairman or Vice Chairman shall die or resign, or shall refuse or 20 become incapable to act, such Board shall, at their Meeting to be held next after such Death, Resignation, Refusal, or Incapacity, elect and appoint some other Member of such Board in his Stead.

Acts of Ma-
jority of
Meeting
valid.

Quorum.

Orders to be
signed by
Chairman,
counter-
signed by
Clerk, and
sealed.

Acts of de
facto Mem-
bers valid.

XXIII. All Acts, Orders, Matters, and Things by this Act authorized to be made or done by any Highway Board, may be 25 made and done by the major Part of the Members of any such Board present at any Meeting thereof holden by virtue of this Act, the whole Members present together at such Meeting being not less than *Three*; and all Orders and Certificates made by any such Board shall be in Writing, and be signed by the Chairman presiding, at which 30 the same shall be made and countersigned by the Clerk, and sealed with the Seal of the Board; and no Act or Proceeding of any such Board at any Meeting thereof shall be liable to be questioned by reason of any Vacancy in the Board by the Death or Disqualification to act of any Member thereof, or by reason of any Defect in the 35 Qualification or Election or Appointment of any Person acting as a Member thereof, provided there were present together at such Meeting *Three* Persons entitled to act as Members of such Board, the Majority of whom concurred in such Act or Proceeding.

Duties of
Clerk.

XXIV. The Clerk of every Highway Board shall attend all the 40 Meetings of such Board, and shall enter and keep in Books to be provided for the Purpose, Notes, Minutes, or Copies, as the Case may require,

require, of the Meetings, Acts, Orders, Resolutions, Proceedings, and Correspondence of such Board, and shall keep all Books, Papers, and Documents committed to his Charge; and shall enter and keep, in Books to be likewise provided, full and regular Accounts, in such
 5 Form as the Board may direct, of all Sums of Money received and expended by or on account of the said Board, or ordered so to be, and of the Purposes and Matters in and for which the same shall have been so paid, expended, or ordered so to be, respectively, distinguishing in such Accounts the Parishes from or on account of which such Sums of
 10 Money are received, and such Clerk shall perform all such other Duties as are imposed on him by this Act, or as the Board may direct.

XXV. The Treasurer of every Highway Board shall receive and hold to the Account of such Board all Monies paid to or for the Use of such Board, and shall make Payments thereout under Orders of
 15 such Board, and shall, so often and at such Days or Times as may be required by the Board, and in default of such Order once in every *Three Months*, make up an Account of all Monies received and paid by him, and deliver the same to the Clerk of the Board.

Duties of Treasurer.

XXVI. The Highway Board for each District shall, upon the Report of the District Surveyor and an Estimate of the Expenses of maintaining the Highways, levy a General Highway Rate or Rates over the whole District, not exceeding the Amount now authorized by Law in any One Year, and shall order such Rate or Rates to be levied and collected in the same Manner as and with the Poor Rates, and to
 25 be paid to the Treasurer of the Board at such Time or Times as shall be specified in such Order; and all Money not paid to such Treasurer pursuant to any such Order may be recovered in like Manner as Rates are recoverable under the said Act of the Fifth and Sixth Years of the Reign of King William the Fourth; and every such
 30 Highway Board shall, subject to the Provisions and Exceptions in this Act, have the Control and Management of all the Highways lying within their District, and of the Repairs and Maintenance thereof, and shall direct the Execution of any Works which may from Time to Time be necessary for such Purposes, and shall order and superintend the
 35 Expenditure of all Monies which shall be raised and collected for the Purposes of such Highways, or for the other Purposes of this Act; Provided always, that the Allowance by Justices shall not be necessary in the Case of any Highway Rate made under this Act.

Powers and Duties of Highway Board.

XXVII. The District Surveyor or Surveyors appointed under this Act shall, subject to the Direction and Control of the Highway Board for the District, provide for the keeping of the Highways lying within such District in a good and sound State of Repair, and cause all Works

Duties of District Surveyor.

[56.]

B

necessary

necessary for that Purpose to be executed in a competent and efficient Manner, and shall, for all the Purposes of this Act, except the making, assessing, and levying of Highway Rates, have within his District the same Powers, and be liable to the same Duties, Penalties, and Forfeitures (as far as the same are applicable) as any Surveyor or District Surveyor appointed under the said Act of the Fifth and Sixth Years of King William the Fourth has and is liable to under that Act; and every such District Surveyor shall, at every Meeting of the Highway Board for such District, report to such Board all such Matters relating to the State of the Highways within such District, or to the Completion or Progress of Works ordered by such Board; or otherwise relating to his Duties as such District Surveyor, as may require the Consideration, Order, or Direction of such Board; and shall, as often as such Board shall direct, make a full and general Report in Writing as to the State and Condition of the Highways in each or any Parish within the District. 10 15

Parish and District Surveyors under 5 & 6 W. 4. c. 50. not to be elected or appointed in future; but Waywardens to be elected in each Parish.

Parish Surveyors to remain in Office till Surveyors appointed under this Act.

Audit of Accounts.

XXVIII. From and after the *Commencement of this Act*, no Surveyor or District Surveyor of the Highways shall be nominated, elected, or appointed under the Provisions of the said Act of the Fifth and Sixth Years of the Reign of King William the Fourth, Chapter Fifty; but the Inhabitants of every Parish shall, at their First Meeting in Vestry for the Nomination of Overseers of the Poor in every Year, elect One competent Male Person, resident within the Parish, and duly qualified as required by Law for Persons elected to serve the Office of Poor Law Guardians, to be the Waywarden of and for such Parish; provided that all Surveyors and District Surveyors nominated, elected, or appointed under the said Act, and whose Term of Office shall not have expired at the Time of the *Commencement of this Act*, shall continue in Office until the Appointment of a District Surveyor or Surveyors for the same District under this Act. 25 30

XXIX. The Highway Board for each District shall and they are hereby required to hold One General Annual Meeting for the Purpose of receiving, examining, and auditing the Accounts relating to the Highways within their District, and to the Salaries and Expenses payable by virtue of this Act; and at every such Meeting the Board shall audit, examine, check, and verify all the Accounts, Items, and Charges of Receipt and of Expenditure of all Monies raised and collected for the Purposes of the Highways within such District, or otherwise under the Authority of this Act; and when they shall have so audited the Accounts submitted to them, the presiding Chairman shall write and sign a Certificate of such Audit at the Foot of every such Account; and every such Board shall have full Power to disallow any illegal or excessive Item or Charge in any such Account; and the Clerk of the Highway 35 40

Highway Board, being duly authorized so to do by an Order of such Board, shall recover every Sum so disallowed from the accounting Party, by Application to Two Justices of the Peace, who shall be and are hereby authorized to enforce Payment of the same in like Manner as Penalties under the said Act of the Fifth and Sixth Years of the Reign of King William the Fourth, Chapter Fifty.

XXX. The Clerk of every Highway Board shall, within Thirty Days after each annual Audit of the Accounts thereof as aforesaid, prepare and sign Abstracts of such Accounts, and transmit the same to One of Her Majesty's Principal Secretaries of State, and the said Secretary of State shall and may cause to be prepared such Forms for such annual Abstracts of Accounts as he may from Time to Time deem proper, and such Forms shall be adopted and used by such Clerks respectively.

Clerk to prepare Abstract of Accounts, and annually transmit them to Secretary of State.

XXXI. And whereas it may in some Cases be expedient to appoint an Auditor of the Accounts of the Highway Board: The Justices of any County, in Quarter Sessions assembled, may, if they shall think fit, on the Requisition of the Highway Board of any Highway Management District, such Requisition being in Writing, under the Seal of such Board, appoint a fit and proper Person to be the Auditor of the Accounts of such Board at and during such annual Audit as aforesaid; and such Board shall, out of its District Fund, pay to such Auditor, for his Services under this Act, such Remuneration, not exceeding nor less than *one guinea* per Day while he is actually employed in such Audit, as to such Board shall seem proper; and every such Auditor shall have full Power to examine, audit, allow, or disallow any of the Accounts to be by him audited under this Act, or any Items or Charges therein; and every District Surveyor and Parish Surveyor, and the Clerk and Treasurer of the Highway Board for the District, shall attend at the Time and Place fixed by such Auditor for his Audit, and shall lay before him all Books, Bills, Vouchers, and Documents relating to the said Accounts; and all such Books, Bills, Vouchers, and Documents shall, at the Time of the annual Audit under this Act, be open to the Inspection of all Persons interested in such Accounts, but to such Extent and in such Manner only as will not, in the Judgment of the Highway Board or of the Auditor respectively, interfere with the Audit.

Appointment of Auditor of Accounts of Highway Board in certain Cases.

XXXII. It shall be lawful for any Highway Board at any Meeting thereof, in case they see fit so to do, to cause a Special Meeting of such Board to be convened for considering whether or not it would be advantageous to the District that any Turnpike Road within such District should be maintained as a Highway; and where any Special

Power to convert Turnpike Roads into Highways.

Meeting shall be convened for such Purpose, Notice of the Time and Place of holding the same, and of the Purpose thereof, shall (in addition to the Notices of Special Meetings herein-before required to be given) be published *Ten* Days at the least before such Meeting, in One or more Newspaper or Newspapers circulating in such District; 5 and in case it be resolved at such Meeting that such Road shall be maintained as a Highway, a Minute or Memorandum of such Resolution, signed by the Chairman presiding at such Meeting, and countersigned by the Clerk, and sealed with the Seal of the Board, shall be transmitted to One of Her Majesty's Principal Secretaries of State; 10 and in case such Resolution be approved by such Secretary of State, he shall, by Writing under his Hand, confirm the same, and fix a Time from which such Resolution shall take effect; and in case such Resolution be so confirmed, then such Turnpike Road shall from and after the Time so fixed, cease to be maintained as a Turnpike Road, 15 and the Powers of the Trustees or Commissioners thereof as to the Repair of such Road shall cease, and such Road shall thenceforth be deemed a Parish Highway, to be repaired and maintained according to the Provisions of the said recited Act of the Fifth and Sixth Years of the Reign of King William the Fourth and of this Act; and all the 20 Provisions of the said recited Act and of this Act shall extend and be applicable thereto in like Manner as to other Highways: Provided, that where any Debt is charged or secured upon the Revenues of any Turnpike Road to which any such Resolution relates, the Powers to levy or receive any Tolls or other Revenues on which any such Debt 25 may be charged or secured shall not be affected under or by virtue of this Act, so long as any Part of such Debt, or of the Interest thereon, remains unpaid, but such Revenues shall be wholly applied in and towards the Payment of such Debt and Interest, and of the necessary Expenses of the Trustees or Commissioners, or other Persons authorized 30 to levy or receive the same, in and about the Receipt and Application of such Revenues, and no Part of such Revenues shall be applied to the Repair or Maintenance of such Road.

Regulations
as to Dedic-
ation of Roads
to the Public.

XXXIII. No Road or Occupation Way made or hereafter to be made by or at the Expense of any private Person, or of any Body Politic 35 or Corporate, shall be deemed and taken to be a public Highway, to be repaired and maintained according to the Provisions of the said recited Act of the Fifth and Sixth Years of the Reign of King William the Fourth, Chapter Fifty, or of this Act, unless the Person, Body Politic or Corporate, proposing to dedicate such Road or Way to the 40 use of the Public shall give *Three* Calendar Months Notice in Writing to the District Surveyor of the District of his Intention to dedicate such Road or Way to the Use of the Public, describing therein its Situation and Extent; and the District Surveyor, on receiving such, Notice,

Notice, shall view the same, and shall report to the Highway Board of the District whether such Road or Way is properly laid out and made, and whether the same is of sufficient public Utility to justify its being kept in repair and maintained as One of the Highways of such District; and if the said Board shall be satisfied, by such Report or otherwise, that such Road or Way ought to be so kept in repair and maintained, they shall certify in Writing accordingly; and such Certificate, signed by the Chairman of the Highway Board for the Time being, shall be transmitted by him to the Court of Quarter Sessions for the County, and shall be filed and kept among the Records of such Court; and thereupon, after the said Road or Way shall have been used by the Public, and duly repaired and kept in repair by such Person, Body Politic or Corporate, for the Space of *Twelve* Calendar Months next after the making of such Certificate as afore-said, the same shall thenceforth become and be One of the public Highways of such County, and shall thereafter be repaired and maintained according to the Provisions of the said recited Act of the Fifth and Sixth Years of the Reign of King William the Fourth and this Act.

XXXIV. Any Person, Body Politic or Corporate, liable to repair any Highway by reason of Tenure of Lands or otherwise, or the District Surveyor of the District in which such Highway is situate, may apply to any Justice of the Peace for the Purpose of making such Highway a Parish Highway, to be repaired and maintained according to the Provisions of the said recited Act of the Fifth and Sixth Years of the Reign of King William the Fourth and of this Act; and such Justice shall thereupon issue his Summons, requiring the District Surveyor and the Party so liable to repair such Highway as aforesaid to appear before the Justices at the next Special Sessions for the Highways to be holden for the Division in which such Highway is situate; and the Justices assembled at such Special Sessions shall proceed to examine and determine the Matter, and shall make an Order under their Hands that such Highway shall thereafter become and be a Parish Highway, and shall be thereafter repaired and maintained according to the Provisions of the said recited Act of the Fifth and Sixth Years of the Reign of King William the Fourth and of this Act; and the said Justices shall, in such Order, fix the Proportion of the Expenses of repairing and maintaining such Highway to be annually paid by such Person, or Body Politic or Corporate, to the Treasurer of the Highway Board of the District; and such Order shall be binding upon all Persons and Parties whatsoever: Provided nevertheless, that such Justices, instead of fixing the Proportion of the Expenses of repairing such Highway to be annually paid as aforesaid, may, by an Order under their Hands, fix a certain Sum to be paid by such Person, or Body Politic or Corporate, to the Treasurer of such

Roads repairable ratione tenuræ may be made Parish Highways.

Board in full Discharge of all Claims thereafter in respect of the Repair and Maintenance of such Highway; and in default of Payment of such last-mentioned Sum, or of such annual Sum as aforesaid, the Clerk of such Board may proceed for the Recovery thereof in the same Manner as any Penalties or Forfeitures are recoverable under the said Act of the Fifth and Sixth Years of King William the Fourth: Provided always, that when the Sum so fixed to be paid in full Discharge of all Claims thereafter in respect of the Repair and Maintenance of such Highway shall exceed *One hundred Pounds*, the same, when received, shall be invested, in the Name of the Highway Board of the District, in some Public Government Securities, and the Interest and Dividends arising therefrom shall be applied by such Board towards the Repair and Maintenance of the Highways within the Parish in which such Highway is situate, but when such Sum shall not exceed *One hundred Pounds*, the same, or any Part thereof, at the Discretion of such Highway Board, shall from Time to Time be applied by such Board towards the Repair and Maintenance of the Highways within such Parish.

This Act and
5 & 6 W. 4.
c. 50. to be
read as One
Act.

XXXV. Except as herein otherwise provided, all the Provisions of the said Act of the Fifth and Sixth Years of the Reign of King William the Fourth, Chapter Fifty, shall remain in force, and shall be applicable to the Highways to be managed and repaired under this Act, and the said Act and this Act shall be construed together as One Act.

Commence-
ment of Act.

XXXVI. This Act shall commence and take effect on the
One thousand eight hundred and fifty

Highways.

A

B I L L

To amend the Laws relating to the
Management of the Highways in
England and Wales.

(*Prepared and brought in by*
Mr. Massey and Sir George Grey.)

Ordered, by The House of Commons, to be Printed,
9 June 1857.

[Bill 56.]

Under 2 oz.

29 June 1857. 20 & 21 VICT.



(Ireland.)

A

B I L L

TO

Continue and amend an Act of the Seventeenth and Eighteenth Years of Her Majesty's Reign, Chapter Eighty-nine, and also the Laws for the Suppression and Prevention of Illicit Distillation in Ireland.

WHEREAS an Act was passed in the Seventeenth and Eighteenth Years of Her Majesty's Reign, Chapter Eighty-nine, and it is expedient to amend the same, and also the Laws for the Suppression and Prevention of Illicit Distillation in Ireland: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble.
17 & 18 Vict.
c. 89.

I. So much of Section Fourteen of the said Act as enacts that no such Order as by the Thirteenth Section of the same Act the Lord Lieutenant or other Chief Governor or Governors of Ireland is authorized to make as therein mentioned shall be issued after the Expiration of Three Years from the passing of the said Act, and that no such Order shall continue in force after the Expiration of the said Term of Three Years, shall be and the same is hereby repealed.

Part of Section 14. of said Act repealed.

[Bill 98.]

II. Section

Section 17.
repealed; and
the Disposal
of Seizures
provided for.

II. Section Seventeen of the said Act shall also be and the same is hereby repealed; and all Seizures to be made under the Provisions of the said Act by any County Inspector, Head or other Constable, shall (except in the Cases in this Clause herein-after provided for) be destroyed or otherwise disposed of as the Inspector General of Constabulary shall direct in that Behalf: Provided always, that all Seizures which may be made under the Powers or Directions of the Sixth Section of the said Act of Spirits in Transitu or Process of Removal from Place to Place, where the same shall be sent or removed from or by any Licensed Distiller or Rectifier of or Dealer in or Retailer of Spirits, shall be disposed of in such Manner as the Commissioners of Inland Revenue may direct or authorize in that Behalf.

Penalties and
Proceeds of
Sales of Seizures to
whom to be
paid.

III. All Penalties to be recovered by Officers of Constabulary by virtue of the Powers conferred or to be conferred on them under the Authority of the said recited Act, and also the Proceeds of the Sale of any Seizure to be made by them under the said Powers, where such Seizure may at the Discretion of the Inspector General of Constabulary be sold, shall, after deducting and paying thereout all reasonable Expenses, be handed over to the Commissioners of Inland Revenue, or to such Person as they shall appoint, for the Use of Her Majesty; anything contained in any former Act to the contrary notwithstanding.

Inspector
General of
Constabulary
to possess the
same Powers
for ordering
Informa-
tions, &c.
in certain
Cases as are
possessed by
the Commis-
sioners of
Inland Re-
venue.

IV. In all Cases in which it shall be necessary to take Proceedings for the Condemnation of any Seizure, or the Prosecution of any Offender, by any Officer of Constabulary under the Provisions of the said recited Act, or of any Act therein mentioned, the Inspector General of Constabulary shall have, use, and exercise the same Powers and Privileges for ordering and staying such Proceedings, and for mitigating the Penalties incurred by such Offender, and for ordering such Offender to be discharged from Prison, as may lawfully be used or exercised by the Commissioners of Inland Revenue with respect to any Seizures, Detentions, or Prosecutions respectively made or had under any Act relating to Duties of Excise; and all such Proceedings instituted by or under the Order of the said Inspector General shall be taken in the Name of some Officer of the said Constabulary Force; and such Officer, and all other Officers of the said Force who may be concerned in such Proceedings, shall have, use, and exercise all the Powers and Privileges which appertain to Officers of Excise in regard to Proceedings taken and conducted by them under the Order or Direction of the Commissioners of Inland Revenue; and all Clauses, Provisions, Rules, and Regulations contained in any Act or Acts relating to any Proceedings commenced or carried on by or under the Order or Direction of the said last-mentioned

mentioned Commissioners with respect to any Information or Complaint exhibited for Recovery of any Penalty or Forfeiture, or with respect to any Allegation or Averment therein contained, or the Proof thereof, or any Matter of Evidence in relation thereto, shall be
5 deemed to extend and be in force, and shall be observed and applied, *mutatis mutandis*, with respect to all Proceedings by this Act authorized to be instituted or carried on by or under the Order or Direction of the said Inspector General.

- V. And for the Purpose of carrying into effect the Provisions of the
10 several Acts for the Suppression and Prevention of Illicit Distillation in Ireland, it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland to appoint such and so many Chief Constables, Constables, and Sub-Constables as he or they shall consider necessary or proper in that Behalf; and all such Chief Constables,
15 Constables, and Sub-Constables so to be appointed shall have, use, and exercise the same Powers and Duties, and shall receive the like Salaries respectively, as Constables of the like Rank to be appointed under the several Acts relating to the Constabulary Force in Ireland may lawfully have, use, and exercise, and receive respectively: Pro-
20 vided always, that the Pay and Expenses of all such Chief Constables, Constables, and Sub-Constables as may be appointed in pursuance of this Act shall be paid out of the Inland Revenue, or in such other Manner as the Commissioners of Her Majesty's Treasury may direct.

Lord Lieutenant may appoint Constables for the Prevention of Illicit Distillation.

Expenses how to be paid.

Illicit Distillation (Ireland).

A

B I L L

To continue and amend an Act of the
Seventeenth and Eighteenth Years of
Her Majesty's Reign, Chapter Eighty-
nine, and also the Laws for the Sup-
pression and Prevention of Illicit Dis-
tillation in Ireland.

*(Prepared and brought in by
Mr. Wilson and the Chancellor of the Exchequer.)*

*Ordered, by The House of Commons, to be Printed,
29 June 1857.*

[Bill 98.]
Under 1 oz.

20 July 1857. 20 & 21 VICT.



(Ireland.)

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Continue and amend an Act of the Seventeenth and Eighteenth Years of Her Majesty's Reign, Chapter Eighty-nine, and also the Laws for the Suppression and Prevention of Illicit Distillation in Ireland; and to constitute the Constabulary Force Officers of Customs for certain Purposes.

WHEREAS an Act was passed in the Seventeenth and Eighteenth Years of Her Majesty's Reign, Chapter Eighty-nine, and it is expedient to amend the same, and also the Laws for the Suppression and Prevention of Illicit Distillation in
 5 Ireland: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble.
17 & 18 Vict.
c. 89.

I. Sections Thirteen, Fourteen, and Seventeen of the said Act,
 10 and also Section Three of an Act passed in the Eighteenth and Nineteenth Years of Her Majesty's Reign, Chapter One hundred and three, shall be and the same are hereby repealed.

Part of certain Act repealed.

[Bill 138.]

II. All

The Disposal
of Seizures
provided for.

II. All Seizures to be made under the Provisions of the said Act of the Seventeenth and Eighteenth Years of Her Majesty, by any County Inspector, Head or other Constable, shall (except in the Cases in this Clause herein-after provided for) be destroyed or otherwise disposed of: as the Inspector General of Constabulary shall 5 direct in that Behalf: Provided always, that all Seizures which may be made under the Powers or Directions of the Sixth Section of the said last-mentioned Act, of Spirits in Transitu or Process of Removal from Place to Place, where the same shall be sent or removed from or by any Licensed Distiller or Rectifier of or Dealer in or 10 Retailer of Spirits, shall be disposed of in such Manner as the Commissioners of Inland Revenue may direct or authorize in that Behalf.

Penalties and
Proceeds of
Sales of Sei-
zures to
whom to be
paid.

III. All Penalties to be recovered by Officers of Constabulary by virtue of the Powers conferred or to be conferred on them under the 15 Authority of the said last-mentioned Act; and also the Proceeds of the Sale of any Seizure to be made by them under the said Powers, where such Seizure may, at the Discretion of the Inspector General of Constabulary, be sold, shall, after deducting and paying thereout all reasonable Expenses, be handed over to the Commissioners of Inland 20 Revenue, or to such Person as they shall appoint, for the Use of Her Majesty, anything contained in any former Act to the contrary notwithstanding.

Lord Lieu-
tenant may
appoint Offi-
cers for
the Preven-
tion of Illicit
Distillation.

IV. And for the Purpose of carrying into effect the Provisions of the several Acts for the Suppression and Prevention of Illicit Distillation 25 in Ireland, it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland from Time to Time to appoint such and so many Officers as he or they shall consider necessary or proper in that Behalf, and also to revoke the Appointment of any such Officers; and all such Officers so to be appointed shall have, 30 use, and exercise the same Powers and Duties, and shall be entitled to and receive the same Pay and Allowances, and be under and subject to the same Rules and Regulations, and liable to the same Deductions and Contributions with respect to Superannuation Allowances, Reward Fund, and otherwise, as Officers of the like Rank to be 35 appointed under the several Acts relating to the Constabulary Force in Ireland: Provided always, that the Pay and Expenses of all such Officers as may be appointed in pursuance of this Act shall be paid out of the Inland Revenue, or in such other Manner as the Commissioners of Her Majesty's Treasury may direct. 40

Expenses
how to be
paid.

CLAUSE A.
Officers of
Constabu-
lary to have

V. All Officers of the said Constabulary Force, appointed or to be appointed under any Act relating to the said Force, or under this Act,

Act, shall have, use, and exercise all the Powers and Authorities, and have and possess all the Privileges, granted to Officers of Excise in relation to any Offence committed or to be committed, or suspected to be committed, under or contrary to the Act passed in the First and Second Years of the Reign of His late Majesty King William the Fourth, Chapter Fifty-five, intituled "An Act to consolidate" and amend the Laws for suppressing the illicit making of Malt and "Distillation of Spirits in Ireland," or in relation to any Offence mentioned in the One hundred and thirty-eighth Section of the Act passed in the Sixth Year of the Reign of King George the Fourth, Chapter Eighty, which said last-mentioned Section is hereby extended to Ireland, and shall have, use, and exercise all the Powers and Authorities, and have and possess all the Privileges, which are or may be exercised, had, or possessed by any Officer of Customs under the "Customs Consolidation Act, 1853," or any other Act now in force or hereafter to be passed, in relation to the Customs, so far as relates to any Seizure, Detention, or Prosecution which may be made or had under any such Act or Acts, and shall be deemed and considered to be Officers of Customs for such Purposes; but such Officers of the Constabulary Force shall have, use, and exercise the Powers and Authorities conferred by this Act so long only as they shall be and continue Officers of such Constabulary Force.

the same Power as Officers of Excise and Customs in relation to certain Offences.

VI. All Proceedings under the said Act of the First and Second Years of William the Fourth, and the said One hundred and thirty-eighth Section of the Act of the Sixth Year of George the Fourth, shall be conducted, and all Penalties and Costs under the same shall be sued for, levied, and recovered, as by the Petty Sessions (Ireland) Act, 1851, is directed and provided, anything in the said Acts or any of them to the contrary notwithstanding.

CLAUSE B.
Proceedings to be conducted as by the Petty Sessions (Ireland) Act, 1851.

VII. And whereas the carrying into effect by the said Constabulary Force of the Provisions of the said Acts for the Suppression and Prevention of illicit Distillation in Ireland may eventually render unnecessary the Employment of the Force now known as the Revenue Police in Ireland, and will in the meantime enable the Commissioners of Inland Revenue to reduce the Numbers of the said last-mentioned Force, and it is proper to provide for the Compensation of Officers and Men of the said Revenue Police who may lose their Employment by the Discontinuance or Reduction of the said last-mentioned Force: Be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury to grant and allow to any Officer or other Person who may be deprived of his Employment in the said Revenue Police, by reason of any such Discontinuance or Reduction of the said Force as aforesaid, such Compensation, either by way of Pension or Gratuity,

CLAUSE C.
Treasury may grant Compensation to Officers of the Revenue Police deprived of their Employment by the Operation of this Act.

as the said last-mentioned Commissioners may think proper and reasonable in that Behalf, to be paid out of the Inland Revenue or otherwise as the said last-mentioned Commissioners may direct.

CLAUSE D.
Interpreta-
tion.

VIII. The Term "Officer" or "Officers" used in this Act with 5 reference to the Constabulary Force in Ireland shall include Head or other Constable of the said Constabulary Force.

Illicit Distillation (Ireland).

A

B I L L

[AS AMENDED IN COMMITTEE]

To continue and amend an Act of the Seventeenth and Eighteenth Years of Her Majesty's Reign, Chapter Eighty-nine, and also the Laws for the Suppression and Prevention of Illicit Distillation in Ireland; and to constitute the Constabulary Force Officers of Customs for certain Purposes.

*(Prepared and brought in by
Mr. Wilson and the Chancellor of the Exchequer.)*

*Ordered, by The House of Commons, to be Printed,
20 July 1857.*

[Bill 138.]

Under 1 oz.

9 June 1857. 20 VICT. (Sess. 2.)



A

B I L L

TO

Amend and explain the Inclosure Acts.

WHEREAS it is expedient that “The Acts for the Inclosure, Exchange, and Improvement of Land” should be further amended and extended: Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

I. In any Case of Inclosure in which it shall appear to the Inclosure Commissioners of England and Wales to be unnecessary that all or any of the Allotments to be made under the Award of the Valuer acting in the Matter of such Inclosure should be fenced, it shall be lawful for the said Commissioners, by an Order under their Hands and Seal, if they shall see fit to dispense with the Erection of Boundary and other Fences, to direct that such Allotments or any of them shall be distinguished by Metes and Bounds : Provided nevertheless, that any Person interested in an Allotment may at any Time fence the same at his own Expense.

Preamble.

Fences may be dispensed with.

[Bill 55.]

II. So

Until Allotments fenced to be deemed a regulated Pasture.

II. So long as any of such Allotments remain unfenced the same shall be subject to the Provisions of the said Acts relating to regulated Pastures, in such Manner as the Valuer, with the Approbation of the said Commissioners, shall by his Award direct; and the Owners thereof shall enjoy all such Rights of Common by reason of 5 Vicinage as they were entitled to prior to the setting out of such Allotments.

Notices and Claims may be sent by Post, or left at usual Place of Abode.

III. Where by the said Acts Notice is required to be given to any designated Person, or any Claim is required to be delivered to the Valuer in the Matter of any Inclosure, such Notice may be given 10 or Claim delivered either by sending it by the Post in a registered Letter, or by leaving it at the Office or usual Place of Abode of such Person or Valuer respectively.

Exchanges of Land by Railway and other Companies.

IV. For the Purpose of removing all Doubts as to the Power of Companies incorporated by special Act of Parliament for the making 15 and maintaining of any Railway, Canal, Docks, Harbour, Waterworks, or other Work, to exchange Land belonging to such Companies under the Provisions of the said Acts, be it declared and enacted, That every such Company shall be deemed to be a Person interested within the Meaning of "The Acts for the Inclosure, 20 Exchange, and Improvement of Land," for the Purpose of exchanging Land belonging to the said Company, and that notwithstanding the Provisions in any Act of Parliament relating to such Company specially limiting the Purposes to which such Land belonging to the said Company shall be applicable. 25

Act deemed Part of "The Acts for the Inclosure, &c. of Land."

V. This Act shall be taken to be a Part of the said Acts, and shall be construed therewith, and be deemed to be included under any Reference to "The Acts for the Inclosure, Exchange, and Improvement of Land."

Inclosure Acts.

A

BILL

To amend and explain the Inclosure
Acts.

(*Prepared and brought in by
Mr. George Clive and Mr. Steel*)

*Ordered, by The House of Commons, to be Printed,
9 June 1857.*

[Bill 55.]

Under 1 oz.

Industrial Schools Bill.

ARRANGEMENT OF CLAUSES.

- Short Title; Sect. 1.
Interpretation Clause; 2.
Certifying and Inspection of Schools; 3, 4.
Children taken into Custody may be remanded while Inquiry is made; 5.
Power to commit under certain Acts; 6.
Justices may require Security for Child's good Behaviour; and in default of Security, may order Child to be sent to a Certified Industrial School; 7, 8, 9.
Parent may (under Conditions) choose School; 10.
Duplicate of Order to be given to Managers of School; 11.
Children may be discharged from School if Employment or Security found, or attaining Age of Fifteen, or be removed to another School; 12, 13, 14, 15.
Order for Maintenance of Child at School to be made on Union where he was taken into Custody; 16.
Parents may be ordered to reimburse Guardians; 17.
Parents Payment may be diminished or increased; 18.
Recovery against Guardians; 19.
Managers may permit Children to sleep out of School; 20.
Penalties on Children absconding from School; 21.
Penalties on Persons inducing Children to abscond or harbouring them; 22.
Recovery of Penalties for Offences; 23.
Service of Notices; 24.
Forms in Schedule may be used; 25.
Extent of Act; 26.
SCHEDULE.
-



A

B I L L

TO

Make better Provision for the Care and Education of vagrant, destitute, and disorderly Children, and for the Extension of Industrial Schools.

WHEREAS Industrial Schools for the better training of poor and neglected Children who are in danger of becoming Criminals have been and may be established by voluntary Contributions in various Parts of England, and it is expedient that more extensive Use should be made of such Institutions, and that the Responsibility of Parents to provide for the proper Care of their Children should be enforced: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. This Act may be cited as the "Industrial Schools Act, 1857." Short Title.

II. The following Words and Expressions shall have the Meanings hereby assigned to them respectively, unless there be something in the Subject or Context repugnant to such Construction: Interpretation Clause.

15 "Secretary of State" shall mean any One of Her Majesty's Principal Secretaries of State for the Time being: "Secretary of State:"
[Bill 3.] A 2 "Police"

- Police:" "Police" shall include every Policeman, Police Constable, Parish Constable, Tythingman, or Headborough :
- "Justices:" "Justices" shall include any Two or more Justices of the Peace acting together, and also any Police Magistrate, Lord Mayor, or Alderman of the City of London, and also any Stipendiary Magistrate, who by the Act of the Eleventh and Twelfth Years of Her present Majesty, Chapter Forty-three, Sections Thirty-three and Thirty-four, is authorized to do alone whatsoever is authorized by that Act to be done by any Two or more Justices of the Peace: 5 10
- "Child:" "Child" shall include any Boy or Girl who in the Opinion of the Justices is above the Age of *Five* and under the Age of *Fourteen* :
- "Certified Industrial School:" "Certified Industrial School" shall mean any School or Institution certified under this Act: 15
- "Managers:" "Managers" shall include the Directors, Managers, or other Persons who shall have the Management or Control of any School:
- "Parent:" "Parent" shall include any Person legally liable to maintain a Child, and also any Person upon whom an Order for Affiliation 20 has been made and not quashed :
- "Security:" "Security" shall mean a Recognizance, with or without Surety or Sureties in the Discretion of the Justices, and in such Amount as they shall think sufficient.
- "County:" "County" shall include any City, Borough, Riding, or Division 25 of a County having a separate Commission of the Peace :
- "Night:" "Night" shall include the Hours between Nine at Night and Six in the Morning :
- "Common Fund:" "Common Fund" shall include the Common Fund of any Union, and the Poor's Rate of any Parish not comprised in any 30 Union :
- "Guardians," "Union." "Guardians" and "Union" shall have the Meanings assigned to them respectively in the Act of the Fourth and Fifth Years of His late Majesty King William the Fourth, Chapter Seventy-six, Section One hundred and nine ; provided always, that 35 for the Purposes of this Act the Word "Union" shall also include any Parish not comprised in any Union, and the Word "Guardians" shall also include the Overseers of any Parish or Place maintaining its own Poor, and not comprised in any Union, and not governed by a Board of Guardians. 40
- Secretary of State may certify any III. The Secretary of State may, upon the Application of the Managers of any School in which Industrial Training is provided, and

and in which Children are fed as well as taught, direct such Person as he may appoint to examine and report to him upon its Condition and Regulations, and, if satisfied therewith, may grant a Certificate under his Hand and Seal to the Managers thereof, and thenceforth the
 5 School shall be a Certified Industrial School within the Meaning of this Act; provided always, that no School shall be certified both under this Act and under the Act of the Seventeenth and Eighteenth
 17 & 18 Vict.
 Victoria, Chapter Eighty-six. c. 86.

IV. The Secretary of State shall direct a Report of the Condition
 10 and Regulations of every Certified Industrial School to be made to him at least once in each Year by such Person as he may appoint; and if upon his Report, the Secretary of State is dissatisfied with the Condition or Regulations of the School, he may withdraw his Certificate, and, upon Notice in Writing of such Withdrawal having been given
 15 to the Managers thereof, the School shall cease to be a Certified Industrial School from such Time as shall be specified in the Notice. Inspector to report annually to Secretary of State. Secretary of State may withdraw his Certificate.

V. When any Child is taken into Custody on a Charge of Begging or Vagrancy under any Local or General Act, the Justices may
 20 direct due Inquiries to be made and Notice (Form A.) to be given to the Parent of the Child, if any can be found, or to the Persons with whom the Child is or was last known to have been residing, and to the Guardians of the Union in which the Child was taken into Custody, of the Circumstances under which the Child has
 25 been taken into Custody, and that the Matter will be inquired into at the Time and Place mentioned in the Notice. Children taken into Custody for Begging or Vagrancy may be remanded while Inquiries are being made.

VI. Nothing in this Act contained shall restrain the Justices from dealing with the Child under the Provisions of such Local or General Act as aforesaid, or under the Provisions of the Act of the Tenth
 30 and Eleventh Victoria, Chapter Eighty-two, or of the Seventeenth and Eighteenth Victoria, Chapter Eighty-six, and the Acts amending the same respectively, instead of under this Act, in any Case in which they may think it expedient. Power to commit under other Acts.

VII. At the Time and Place mentioned in the Notice any Justices
 35 may make full Inquiry into the Matter, and may require Security (Form B.) to be given for the proper Care and good Behaviour of the Child for any Period not exceeding *Twelve* Calendar Months, and, in default of Security, may, by Writing under their Hands and Seals (Form C.), order the Child to be sent for such Period as they
 40 may think necessary for his Education and Training to any Certified Industrial School the Managers of which are willing to receive him. Justice may require Security for the Child's good Behaviour.

In certain Cases Security shall be accepted.

VIII. The Justices, on the first Occasion of any Child being brought before them, shall accept the Security of the Parent in any Sum not less than *One Pound* nor exceeding *Five Pounds*, and, if Security is not offered by the Parent, shall accept the Security of the Guardians of the Union in which the Child was taken into Custody, 5 provided that they are the Guardians of a Union which contributes to the Support of a District Union School, or of a Union which supports a School detached from the Workhouse, and are willing to stipulate that the Child shall be taken into such School respectively. 10

In certain cases Security may be increased or entirely refused.

IX. If Security is offered by any Person other than the Parent or such Guardians respectively, or if the Child is brought before the Justices for a Second Offence, the Security shall be in such Amount as the Justices determine, or may be rejected by them altogether. 15

Parent may (under Conditions) have Child sent to School which he approves. (Form D.)

X. If the Parent at the Time of making any such Order, or within *Fourteen Days* afterwards, objects to the Certified Industrial School to which the Child has been sent or ordered to be sent, and proposes some other Certified Industrial School, and proves that the Managers of it are willing to receive the Child, and pays or finds good Security 20 to pay any Expenses which may be incurred in consequence of his Objection, any Justice of the County where the Child was taken into Custody shall order the Child to be sent to the Certified Industrial School proposed by the Parent.

Duplicate of Order to be given to Managers, and to be sufficient Warrant for Detention of Child.

XI. A Duplicate of the Order under which any Child is in pur- 25 suance of this Act ordered to be sent to a Certified Industrial School shall be sent to the Managers thereof, and shall be a sufficient Warrant for the Detention of the Child.

Child may be discharged from School if Employment has been found for him. (Form E.)

XII. On the Application of the Parent, or of the Managers, or of the Guardians upon whom any Order for Payment as herein-after 30 provided is in force, any Justices of the County in which the School is situate, if satisfied that a suitable Employment in Life has been provided for the Child, or that there is otherwise sufficient Cause, may discharge the Child from the Certified Industrial School before the full Expiration of the Period for which he has been sent there. 35

Child may be discharged on good Security being found. (Form F.)

XIII. On good Security being at any Time found by the Parent or by any Guardians entitled to offer Security under Section Nine of this Act, and upon whom any Order for Payment as herein-after provided is in force, any Justices of the County in which the Certified Industrial School to which the Child has been sent is situate 40 shall

shall order the Child to be discharged therefrom ; provided always, that the Security shall be in such Amount as the Justices determine, or may be rejected by them altogether, on its being proved to their Satisfaction that Security for the Child has at any Time and under 5 any Circumstances been previously rejected or forfeited.

XIV. No Child shall be detained in any Certified Industrial School under this Act beyond the Age of *Fifteen Years* against his Consent. Child not to be detained when Fifteen Years old.

XV. The Secretary of State may at any Time with the Consent 10 of the Managers order the Removal of any Child from one Certified Industrial School to another, or may order him to be discharged altogether. Secretary of State may remove Child to another School.

XVI. When the Justices order any Child to be sent to a Certified Industrial School under this Act they shall, at the same Time, by 15 Writing under their Hands and Seals (Form G.), order the Guardians of the Union in which the Child was taken into Custody to pay out of the Common Fund of the Union a weekly Sum not exceeding *Three Shillings* to the Managers or to any Person authorized by them from Time to Time to receive it, until the Child attains the 20 Age of *Fifteen Years*, or is lawfully discharged, and also any Charges and Expenses incurred respecting the Child, and also the Expenses of conveying the Child to School. Order for Maintenance to be made on Union wherein Child taken into Custody.

XVII. Any Justices of the County where such Order is made or where the Parent is residing respectively may, upon the Application 25 of the Guardians upon whom the Order is in force, summon the Parent and examine into his Circumstances, and in their Discretion may order him to pay to the Guardians the Amount of such weekly Payment or such Portion thereof as they think fit, and also any Instalments which may have been paid by the Guardians, and also 30 any Charges and Expenses incurred respecting the Child, and also the Expenses of conveying the Child to School, and also the Costs of such Application ; and on default of Payment for the Space of *Fourteen Days* the like Proceedings may be taken for enforcing and recovering the same as are herein-after provided for the enforcing and recovering 35 of any Penalty or Forfeiture imposed by this Act. On Application of Guardians the Parent may be summoned, and ordered to pay according to his Ability.

XVIII. The Parent or the Guardians or the Managers may at any Time apply to any Justices of the County in which the School is situate, or in which the Parent is residing, for an Order to diminish the Amount of the weekly Sum payable by the Parent, or to increase 40 it to an Amount not exceeding *Three Shillings* per Week, and the Parents Payment may be diminished or increased. (Forms I. and K.)

Justices, on Proof that the Parent or the Guardians or the Managers have given to each other (as the Case may be) not less than *One* Week's Notice in Writing of the intended Application, and of the Time and Place of hearing the same, shall make full Inquiry into the Matter, and may diminish or increase the Amount of the weekly Sum payable by the Parent, as they think fit, or may release him from such Payment altogether; provided always, that the Parent shall not in any Case be ordered to pay a larger weekly Sum than the Guardians have been ordered to pay.

Sums unpaid by Guardians for 14 Days to be recoverable as Penalties under 4 & 5 W. 4. c. 76.

XIX. Any Sum ordered to be paid as aforesaid by the Guardians shall, in case of Default for the Space of *Fourteen* Days, be recoverable in like Manner as any Penalty or Forfeiture is recoverable from any Guardians under any of the Provisions of the Act of the Fourth and Fifth Years of His late Majesty King William the Fourth, Chapter Seventy-six, and of any Acts amending the same.

15

Managers may permit Children to sleep out of School.

XX. The Managers may, at their Discretion, permit any Child to sleep or lodge at the Dwelling of his Parent, or of any trustworthy and respectable Person, and may also, at their Discretion, revoke such Permission; provided always, that they shall continue to board and feed the Child in all respects as if he were lodging in the School.

20

Children absconding, &c. may be sent back to the School.

XXI. If any Child, whether lodging in the School or elsewhere, before attaining the Age of *Fifteen* Years, or being duly discharged, wilfully absconds from the School, or neglects his Attendance thereat, any Justice of the County in which the School is situate, or in which the Child is re-taken, may, by Writing under his Hand and Seal (Form) order him to be sent back to the School, and to be detained there until he attains the Age of *Fifteen* Years, or for such shorter Period as the Justices think fit.

25

Penalties on Persons inducing Children to abscond, &c. or harbouring them.

XXII. Any Person who directly or indirectly withdraws a Child from the Certified Industrial School to which he has been sent, or induces him to abscond therefrom, or to neglect his Attendance there, previous to his attaining the Age of *Fifteen* Years, or being duly discharged, or who knowingly conceals or harbours him, or in any way prevents his Return, shall for every such Offence be liable in a Penalty not exceeding *Five* Pounds.

35

Recovery of Penalties for Offences.

XXIII. Any Offence for which a pecuniary Penalty or Forfeiture is imposed by this Act, the Recovery of which is not otherwise herein provided for, shall and may be heard and determined by any Justice in or near the Place where the Offence is committed, or where

where the Offender may at the Time being happen to be, and such Penalty or Forfeiture shall, together with the reasonable Costs attending the Prosecution, to be duly ascertained and awarded by such Justice, be enforced and recovered in the same Manner as any pecuniary Penalties may be recovered in England or Wales under the Provisions of an Act passed in the Twelfth Year of Her present Majesty, intituled "An Act to facilitate the Performance of the " Duties of Justices of the Peace out of Sessions within England " and Wales, with respect to summary Convictions and Orders."

10 XXIV. The leaving of any Summons or Notice or Order authorized to be issued or made by any Justices under this Act at the usual or last known Place of Abode of the Party to whom the same respectively is directed, or, if directed to any Guardians, if left at the Residence of the Clerk to the Guardians, or of the Relieving
15 Officer, shall in every Case be deemed a good and sufficient Service thereof; provided always, that in any Case where the Parent is ascertained to be residing at a greater Distance than Miles from the Place where the Child was taken into Custody, any such Summons, Notice, or Order may be addressed as aforesaid, and sent
20 by the Post, and such Posting shall be deemed a good and sufficient Service thereof.

XXV. The several Forms in the Schedule to this Act annexed, or any Forms to the like effect, shall in all Cases be sufficient; provided always, that any Summons, Notice, or Order shall not be
25 invalidated for Want of Form only.

XXVI. This Act shall not extend to Ireland or Scotland.

Forms in
Schedule
may be used.

Act not to
extend to
Ireland or
Scotland.

SCHEDULES.

(A.)

Notice by Police to Parent, &c. of Child being in Custody, &c.

To C.B. of the Parish of _____, and to the Guardians of
the _____ Union [or Overseers of the Poor of the
said Parish of _____ in the County of _____]:

I HEREBY give you Notice, pursuant to Section 5, of the "Industrial
Schools Act, 1857," that a Child named A.B., apparently about
_____ Years of Age, the Son of [or who has been residing with]
you the said C.B., has been taken into Custody for having been on
the _____ Day of _____ in the Parish of _____ in the
said County of [or Union of _____] found [in the Words of
the Local or General Act,] and that the Matter will be inquired into
on the _____ Day of _____, at _____ o'Clock in the
Forenoon, at _____, before such Justices of the Peace for the
said County as may then be there, who may make such Order on you
the said C.B., for the Maintenance of the said Child, as they may
think fit; the said A.B., is in the meantime detained in the
at _____, by the Order of a Justice of the Peace.

Dated this _____ Day of _____ 185 .

M.N. { Constable, Inspector, or Superin-
tendent of Police of _____

(B.)

Recognizance of Parent for good Behaviour of Child.

*The Recognizance will be in the usual Form with the following
Condition:* The Condition of the within-written Recognizance is such,
that whereas a certain Child named A.B., the Son of [or who has
been residing with, the said bounden C.B., [or, as the Case may be,]
having been found begging [or, as the Case may be, with the Time
and Place of the Offence], if therefore the said Child shall be of good
Behaviour for the Period of _____ from the Day of the Date
hereof, then the said Recognizance to be void, or else to stand in full
Force and Virtue.

(C.)

(C.)

Order sending Child to Industrial School.

to wit. } To the Constable of and to the Managers of
 } the Certified Industrial School at :

WHEREAS a certain Child named *A.B.*, about Years of Age, was this Day brought before us, Two of Her Majesty's Justices of the Peace for the County of , for that he, on the Day of , at , was found begging [*or, as the Case may be in Section 5.*]: And whereas we have made full Inquiry into the Matter, pursuant to the "Industrial Schools Act, 1857," and no satisfactory Security has been given for the future good Behaviour of the said Child: Now therefore we, the said Justices, do, pursuant to Section 7. of the said Act, order you, the said Constable, to take the said Child, and him safely convey to the Certified Industrial School at aforesaid, (the same being proposed by the Parent of the said Child, [*if so,*] and there to deliver him, together with this Order; and we do hereby command you the said Managers (it appearing to us that you are willing to receive him therein) to receive the said Child into your Charge in the said School, and there to detain, educate, and train him for the Period of from the Date hereof.

Given under our Hands and Seals this Day of
 at in the County aforesaid.

[*Signatures and Seals of Justices.*]

(D.)

Second Order changing School.

To the Managers of Certified Industrial School
 at and to the Managers of the
 Certified Industrial School at :

WHEREAS a certain Child named *A. B.*, about Years of Age, was on the Day of , by the Order of , Two of Her Majesty's Justices of the Peace for the County of , pursuant to the "Industrial Schools Act, 1857," taken to the Certified Industrial School at , there to be detained for the Period of from the said Day of , and he is now detained therein [*if so*]: And whereas the said *C. B.*, the [*Father*] of the said Child,
 [3.] B 2 has

has objected to the said School, and has proposed the Certified Industrial School at _____, and proved to me the undersigned, One of Her Majesty's Justices of the Peace for the County of _____, where the Child was taken into Custody, that the Managers of the _____ Certified Industrial School at _____ are willing to receive the said Child, and the said Parent has also complied with the other Conditions of Section 10. of the said Act: These are therefore to order you the said Managers of the _____ Certified Industrial School at _____ to send the said Child forthwith to the _____ Certified Industrial School at _____; and you the said Managers of the said last-mentioned School are hereby required to receive the said Child into your Charge in the said School, and there to detain, educate, and train him for the Period of _____ from the _____ Day of _____.

Given under my Hand and Seal this _____ Day of _____,
at _____ in the County aforesaid.

J.S. (L.S.)

(E.)

Order for Discharge of Child on Employment being found for him.

To the Managers of the _____ Certified Industrial School
at _____:

WHEREAS a certain Child named *A.B.*, about _____ Years of Age, was on the _____ Day of _____, by the Order of _____ Two of Her Majesty's Justices of the Peace for the County of _____, made pursuant to the "Industrial Schools Act, 1857," taken to the _____ Certified Industrial School at _____, there to be detained for the Period of _____ from the said _____ Day of _____ and he is now detained therein:* And whereas it appears to us, Two of Her Majesty's Justices of the Peace for the County of _____ in which the School is situate, that suitable Employment in Life has been provided for the said Child [*or there appears to us, &c. sufficient Cause for the Discharge of the said Child*]: These are therefore to command you, the said Managers, forthwith to discharge the said Child and to deliver him into the Charge of _____, who brings this Order.

Given under our Hands and Seals this _____ Day of _____,
at _____ in the County aforesaid.

[*Signatures and Seals of Justices.*]

(F.)

(F.)

Order for Discharge of Child on Security given for future good Behaviour.

[*Proceed to the Asterisk * in the Form (G.), and then say*]: And whereas good Security has been found before us, Two of Her Majesty's Justices of the Peace for the *County* of _____, in which the School is situate, for the future good Behaviour of the said Child: These are therefore to command you, the said Managers, forthwith to discharge the said Child and to deliver him into the Charge of _____, who brings this Order.

Given under our Hands and Seals this _____ Day of _____, at _____ in the *County* aforesaid.

[*Signatures and Seals of Justices.*]

(G.)

Order for Maintenance on Union wherein Child found.

To the Guardians of the Poor of the _____ Union
[or to the Overseers of the Parish of _____]:

WHEREAS a certain Order of us, the undersigned, Two of Her Majesty's Justices of the Peace for the *County* of _____, bearing Date this _____ Day of _____, and made pursuant to the "Industrial Schools Act, 1857," after due Inquiry in that Behalf, a certain Child named *A.B.*, about _____ Years of Age, was ordered to be taken and conveyed to, and received in, the _____ Certified Industrial School at _____, there to be detained for the Period of _____ from the Day of the Date hereof, the said Child having been found begging [*or, as the Case may be, under Section 5., with the Time and Place of Offence*]:* These are therefore, pursuant to Section 16. of the said Act, to order you, the said Guardians of the _____ Union, or Overseers of the said Parish (within which Union [*or Parish*] the said Child was taken into Custody for the said Offence) to pay out of the common Fund of your said Union [*or Poors Rate of the said Parish*] unto the Managers of the _____ Certified Industrial School at _____, or to a Person authorized by them from Time to Time to receive the same, weekly and every Week, from the _____ Day of _____, the Sum of _____, for the Maintenance, Clothing, Education, Care, and Training of the said Child until the said Child shall attain the Age of Fifteen Years, or shall be sooner lawfully discharged from the

[3.] B 3 said

said School; and we further order you, the said Guardians [*or Overseers*] to pay out of the said common Fund of your Union [*or Poors Rate of the said Parish*] unto *M.N.*, Constable of _____, the Sum of _____, being the Charges and Expenses hitherto incurred respecting the said Child, and the Expenses of conveying the said Child to the said School.

Given under our Hands and Seals this _____ Day of _____, at _____ in the County aforesaid.

[*Signatures and Seals of Justices.*]

(H.)

*Order on Parent to repay to Guardians [*or Overseers*] Sums paid by them.*

To *C.B.* of _____ in the County of _____ :

WHEREAS by a certain Order of [us, the undersigned _____, *if so*] Two of Her Majesty's Justices of the Peace for the County of _____, (wherein such Order was made, or wherein you, the said *C.B.*, are residing,) bearing Date this Day, [*or on the* _____ Day of _____,] made pursuant to Section 16. of the "Industrial Schools Act, 1857," and directed to the Guardians of the Poor of the Union [*or the Overseers of the Poor of the Parish*] of _____ in the County of _____, it was ordered by the said Justices that the said Guardians [*or Overseers*] should pay [out of the common Fund of the said Union, *or Poors Rate of the said Parish*] unto the Managers of the _____ Certified Industrial School at _____, the weekly Sum of _____, for the Maintenance, Clothing, Education, Care, and Training of a certain Child named *A.B.*, (who appears to be the Son of [*or who had been residing with*] you, the said *C. B.*, and who had been theretofore duly sent to and now is detained in the said School by virtue of the said Acts, and after due Notice to you in that Behalf,) until the said Child should attain the Age of Fifteen Years, or should be sooner lawfully discharged from the said School: And whereas the said Order for Payment is still in force, and it has been duly proved to us that the said Guardians [*or Overseers*] have paid weekly Instalments thereunder, and also Charges and Expenses of conveying the Child to School, amounting to the Sum of _____ : These are therefore, pursuant to Section 17, of the said Act, to order you, the said *C. B.*, forthwith to pay to the _____ Guardians

Guardians of the Union [*or* Overseers of the Poor
of the Parish of aforesaid] the said last-men-
tioned Sum of , and also weekly
Repayments during such Time as the said recited Order is in
force, the Sum of , being [a Portion of]
the weekly Payment which the said Guardians [*or* Overseers] are
required to make for the Maintenance, Clothing, Education, Care, and
Training of the said Child, and also the Costs of this Application.

Given under our Hands and Seals this Day of
, at in the County
aforesaid.

[*Justices Signatures and Seals.*]

(I.)

Order diminishing or increasing weekly Payment by Parent.

To C.B., of , and to the Guardians [*or* Overseers]
of :

WHEREAS by a certain Order of [us, the undersigned, *if so,*] Two
of Her Majesty's Justices of the Peace for the County of ,
made on the Day of , pursuant to Section 17.
of the "Industrial Schools Act, 1857," [we,] the said Justices, ordered
that you, the said C.B., should pay to you, the said Guardians of the
Union [*or* Overseers of the Poor of the Parish of
aforesaid] weekly and every Week during such Time as a certain
Order made upon the said Guardians [*or* Overseers] was in force,
the Sum of , being [a Portion of] the weekly Payment
which the said Guardians [*or* Overseers] are required to make for the
Maintenance, Clothing, Education, Care, and Training of a certain
Child named A.B. (who is the Son of [*or* who had been residing
with] you, the said C.B., and who had been theretofore duly sent
to and was then and now is detained in the Certified Indus-
trial School at) for the Period therein mentioned *: Now
therefore we, the said Justices, seeing Cause to diminish [*or* increase]
the Amount of the said weekly Payment, do order, pursuant to
Section 18. of the said Act, that the said weekly Payment to be made
by you the said C.B. to you the said Guardians [*or* Overseers]
shall, from the Day of , be the Sum of
per Week, and no more.

Given under our Hands and Seals this Day of ,
at in the County aforesaid.

[*Justices Signatures and Seals.*]

[3.]

B 4

(K.)

(K.)

Order releasing Parent from Payment altogether.

[*Proceed as in Form (I.) to the Asterisk**, and then say:] Now therefore we, the said Justices, seeing Cause to release the said *C.B.* from the said weekly Payment altogether, do order, pursuant to Section 18. of the said Act, that you, the said *C.B.*, shall be released altogether from the Payment of the aforesaid weekly Sum to the said Guardians [*or Overseers*] from the Day of

Given under our Hands and Seals this Day of
at in the *County* aforesaid.

Industrial Schools.

A

B I L L

To make better Provision for the Care
and Education of vagrant, destitute,
and disorderly Children, and for the
Extension of Industrial Schools.

(*Prepared and brought in by*
Mr. Alderley, Mr. Liddell, Mr. Muntz, and
Mr. Headlam.)

Ordered, by The House of Commons, to be Printed,
8 May 1857.

[Bill 3.]

Under 2 oz.

Industrial Schools Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Short Title; Sect. 1.

Interpretation Clause; 2.

Certifying and Inspection of Schools; 3, 4.

Children taken into Custody may be remanded while Inquiry is made; 5.

Power to commit under certain Acts; 6.

Justices may require Security for Child's good Behaviour; and in default of Security, may order Child to be sent to a Certified Industrial School; 7, 8.

Parent may (under Conditions) choose School; 9.

Duplicate of Order to be given to Managers of School; 10.

Children may be discharged from School if Employment or Security found, or attaining Age of Fifteen, or be removed to another School; 11, 12, 13.

Parents may be ordered to reimburse the Managers; 14.

Parents Payment may be diminished or increased; 15.

Managers may permit Children to sleep out of School; 16.

Penalties on Children absconding from School; 17.

Penalties on Persons inducing Children to abscond or harbouring them; 18.

Service of Notices; 19.

CLAUSE A. Guardians may contract with Managers; 20.

CLAUSE B. What is sufficient Evidence as to Certificate of School, Identity of Child, and making of Orders; 21.

CLAUSE C. Committee of Education to give Notice of certified Schools; 22.

Forms in Schedule may be used; 23.

Extent of Act; 24.

SCHEDULES.



A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Make better Provision for the Care and Education of vagrant, destitute, and disorderly Children, and for the Extension of Industrial Schools.

WHEREAS Industrial Schools for the better training of Preamble.
Vagrant Children have been and may be established in
various Parts of England, and it is expedient that more
extensive Use should be made of such Institutions, and that the
5 Responsibility of Parents to provide for the proper Care of their
Children should be enforced: Be it enacted by the Queen's most
Excellent Majesty, by and with the Advice and Consent of the
Lords Spiritual and Temporal, and Commons, in this present Parlia-
ment assembled, and by the Authority of the same, as follows:

10 I. This Act may be cited as the "Industrial Schools Act, 1857." Short Title.

II. The following Words and Expressions shall have the Meanings Interpretation
hereby assigned to them respectively, unless there be something in Clause.
the Subject or Context repugnant to such Construction:

15 "Police" shall include every Policeman, Police Constable, Parish "Police:"
Constable, Tythingman, or Headborough:
[Bill 25.] A 2 "Justices"

- “Justices:” “Justices” shall include any Two or more Justices of the Peace acting together, and also any Person who by the Act of the Eleventh and Twelfth Years of Her present Majesty, Chapter Forty-three, Sections Thirty-three and Thirty-four, is authorized to do alone whatsoever is authorized by that Act to be done by any Two or more Justices of the Peace: 5
- “Child:” “Child” shall include any Boy or Girl who in the Opinion of the Justices is above the Age of Seven and under the Age of Fourteen :
- “Certified Industrial School:” “Certified Industrial School” shall mean any School or Institution certified under this Act: 10
- “Managers:” “Managers” shall include the Directors, Managers, or other Persons who shall have the Management or Control of any Certified Industrial School :
- “Parent:” “Parent” shall include any Person legally liable to maintain a Child, and also any Person upon whom an Order for Affiliation has been made and not quashed : 15
- “Security:” “Security” shall mean a Recognizance, with or without Surety or Sureties, in the Discretion of the Justices, and in such Amount as they shall think sufficient : 20
- “County.” “County” shall include any City, Borough, Riding, or Division of a County having a separate Commission of the Peace.

Committee of Privy Council on Education may certify any Industrial School.

17 & 18 Vict. c. 86.

III. The Committee of Her Majesty's Privy Council on Education may, upon the Application of the Managers of any School in which Industrial Training is provided, and in which Children are fed as well as taught, direct such Person as they may appoint to examine and report to them upon its Condition and Regulations, and, if satisfied therewith, may grant a Certificate under the Hand of the President of Her Majesty's Privy Council or of the Vice-President of the said Committee thereof, and thenceforth the School shall be a Certified Industrial School within the Meaning of this Act; provided always, that no School shall be certified both under this Act and under the Act of the Seventeenth and Eighteenth Victoria, Chapter Eighty-six. 25 30

Inspector to report annually.

Certificate may be withdrawn.

IV. The said Committee shall direct a Report of the Condition and Regulations of every Certified Industrial School to be made to them at least once in each Year by such Person as they may appoint; and if upon his Report the Committee is dissatisfied with the Condition or Regulations of the School, they may withdraw their Certificate, and, upon Notice in Writing of such Withdrawal having been given to the Managers thereof, the School shall cease to be a Certified Industrial School from such Time as shall be specified in the Notice. 35 40

V. When

V. When any Child is taken into Custody on a Charge of Begging or Vagrancy under any Local or General Act, the Justices may remand him for any Period not exceeding One Week, and may direct due Inquiries to be made, and Notice (Form A.) to be given to the Parent of the Child, if any can be found, or to the Persons with whom the Child is or was last known to have been residing, of the Circumstances under which the Child has been taken into Custody, and that the Matter will be inquired into at the Time and Place mentioned in the Notice.

VI. Nothing in this Act contained shall restrain the Justices from dealing with the Child under the Provisions of such Local or General Act as aforesaid, or under the Provisions of the Act of the Tenth and Eleventh Victoria, Chapter Eighty-two, or of the Seventeenth and Eighteenth Victoria, Chapter Eighty-six, and the Acts amending the same respectively, instead of under this Act, in any Case in which they may think it expedient.

VII. At the Time and Place mentioned in the Notice any Justices may make full Inquiry into the Matter, and may require Security (Form B.) to be given for the proper Care and good Behaviour of the Child for any Period not exceeding Twelve Calendar Months, and, in default of Security, may, by Writing under their Hands and Seals (Form C.), order the Child to be sent for such Period as they may think necessary for his Education and Training to any Certified Industrial School the Managers of which are willing to receive him.

VIII. The Justices, on the First Occasion of any Child being brought before them, shall accept the Security of the Parent in any Sum not less than One Pound nor exceeding Five Pounds, but if Security is offered by any Person other than the Parent, or if the Child is brought before the Justices for a Second Offence, the Security shall be in such Amount as the Justices determine, or may be rejected by them altogether.

IX. If the Parent at the Time of making any such Order, or within Fourteen Days afterwards, objects to the Certified Industrial School to which the Child has been sent or ordered to be sent, and proposes some other Certified Industrial School, and proves that the Managers of it are willing to receive the Child, and pays or finds good Security to pay any Expenses which may be incurred in consequence of his Objection, any Justice of the County where the Child was taken into Custody shall order (Form D.) the Child to be sent to the Certified Industrial School proposed by the Parent.

Duplicate of
Order to be
given to
Managers,
and to be
sufficient
Warrant for
Detention of
Child.

Child may
be dis-
charged
from School.

Child may
be dis-
charged on
good Secu-
rity being
found.

Child not to
be detained
when Fifteen
Years old.

On Applica-
tion of
Manager,
the Parent
may be sum-
moned, and
ordered to
pay accord-
ing to his
Ability.

Parents
Payment
may be di-
minished or
increased.

X. A Duplicate of the Order under which any Child is in pursuance of this Act ordered to be sent to a Certified Industrial School shall be sent to the Managers thereof, and shall be a sufficient Warrant for the Detention of the Child.

XI. On the Application of the Parent or of the Managers, any 5 Justices of the County in which the School is situate, if satisfied that a suitable Employment in Life has been provided for the Child, or that there is otherwise sufficient Cause, may discharge (Form E.) the Child from the Certified Industrial School before the full Expira- 10 tion of the Period for which he has been sent there, or may order his Removal from one Certified Industrial School to another (Form F.), or may order him to be discharged altogether.

XII. On good Security being at any Time found by the Parent or by any other Person, any Justices of the County in which the Certified Industrial School to which the Child has been sent is situate 15 shall order (Form G.) the Child to be discharged therefrom; provided always, that the Security shall be in such Amount as the Justices determine, or may be rejected by them altogether, on its being proved to their Satisfaction that Security for the Child has at any Time and under any Circumstances been previously rejected or 20 forfeited.

XIII. No Child shall be detained in any Certified Industrial School under this Act beyond the Age of Fifteen Years against his Consent.

XIV. Any Justices of the County in which the Certified Industrial 25 School to which the Child has been sent is situate, or in which the Parent is residing, may, upon the Complaint of the Managers, summon the Parent, and examine into his Circumstances, and in their Discretion may order him (Form H.) to pay to such Managers, or to any Person authorized by them from Time to Time to receive it, a weekly Sum 30 not exceeding Three Shillings, until the Child attains the Age of Fifteen Years, or is lawfully discharged, and also any Charges and Expenses incurred respecting the Child, and also the Expenses of conveying the Child to School, and also the Costs of such Com- 35 plaint; and on default of Payment for the Space of Fourteen Days the like Proceedings may be taken for enforcing and recovering the same as are herein-after provided for the enforcing and recovering of any Penalty or Forfeiture imposed by this Act.

XV. The Parent or the Managers may at any Time apply to any Justices of the County in which the Certified Industrial School 40 is situate, or in which the Parent is residing, for an Order to diminish or increase the

the Amount of the weekly Sum payable by the Parent, or to increase it to an Amount not exceeding Three Shillings per Week; and the Justices, on Proof that the Parent or the Managers have given to each other (as the Case may be) not less than One Week's Notice in Writing
 5 of the intended Application, and of the Time and Place of hearing the same, shall make full Inquiry into the Matter, and may diminish or increase the Amount of the weekly Sum payable by the Parent, as they think fit, or may release him from such Payment altogether (Forms I. and K.)

10 XVI. The Managers may, at their Discretion, permit any Child to sleep or lodge at the Dwelling of his Parent, or of any trustworthy and respectable Person, and may also, at their Discretion, revoke such Permission; provided always, that they shall continue to board and feed the Child in all respects as if he were lodging in the Certified
 15 Industrial School.

Managers may permit Children to sleep out of School.

XVII. If any Child, whether lodging in the School or elsewhere, before attaining the Age of Fifteen Years, or being duly discharged, wilfully absconds from the School, or neglects his Attendance thereat, any Justice of the County in which the Certified Industrial School is
 20 situate, or in which the Child is re-taken, may, by Writing under his Hand and Seal (Form . . .) order him to be sent back to the School, and to be detained there until he attains the Age of Fifteen Years, or for such shorter Period as the Justices think fit.

Children absconding, &c. may be sent back to the School.

XVIII. Any Person who directly or indirectly withdraws a Child
 25 from the Certified Industrial School to which he has been sent, or induces him to abscond therefrom, or to neglect his Attendance there, previous to his attaining the Age of Fifteen Years, or being duly discharged, or who knowingly conceals or harbours him, or in any way prevents his Return, shall for every such Offence be liable
 30 in a Penalty not exceeding Five Pounds, to be recovered by summary Proceedings before any Justice in or near the Place where the Offence is committed, or where the Offender may at the Time being happen to be, in manner provided by the Act of the Session holden in the Eleventh and Twelfth Years of Her Majesty, Chapter Forty-three.

Penalties on Persons inducing Children to abscond, &c. or harbouring them.

XIX. The leaving of any Summons or Notice or Order authorized
 35 to be issued or made by any Justices under this Act at the usual or last known Place of Abode of the Party to whom the same respectively is directed shall in every Case be deemed a good and sufficient Service thereof; provided always, that in any Case where
 40 the Parent is ascertained to be residing at a greater Distance than . . . Miles from the Place where the Child was taken into Custody, any such Summons, Notice, or Order may be addressed as
 [25.] A 4 aforesaid,

Service of Notices.

aforesaid, and sent by the Post, and such Posting shall be deemed a good and sufficient Service thereof.

CLAUSE A.
Guardians
may con-
tract with
Managers.

XX. The Guardians of any Union or any Parish wherein the Relief to the Poor is administered by a Board of Guardians may, if they deem proper, with Consent of the Poor Law Board, contract 5 with the Managers of any Certified Industrial School for the Maintenance and Education of any Pauper Child.

CLAUSE B.
What is
sufficient
Evidence as
to Certificate
of School,
Identity of
Child, and
making of
Orders.

XXI. Whenever it shall be necessary to prove that any Industrial School is duly certified or sanctioned under this Act, the Production of an attested Copy of the Certificate shall be sufficient Evidence 10 thereof; and the Production of an original Duplicate of the Order under which any Child has been sent to or is detained in any Certified Industrial School under this Act, or a Copy of such Order with a Memorandum signed by the Manager or Superintendent, or Master or Matron of any such School, that the young Person named in such 15 Order was duly received into and is at the signing thereof detained in such School, or has been otherwise disposed of according to Law, and the Production of an original Duplicate of any Order made upon the Parent under this Act, or a Copy thereof certified by the Clerk to the Justices making the same to be a correct Copy, shall in all 2 Proceedings whatsoever be sufficient Evidence of the due making and signing of all or any of such Orders, Memorandum, and Certificate respectively, and of the sending, Detention, and Identity of the Child or Parent named in such Orders respectively, without Proof of the Signatures or official Characters of the Justices or other Persons 25 appearing to have signed the same respectively.

CLAUSE C.
Committee
of Education
to give
Notice of
certified
Schools.

XXII. Whenever the Committee of Her Majesty's Privy Council on Education shall at any Time grant a Certificate under this Act to any Industrial School, they shall within One Calendar Month cause a Notice thereof to be published in the London Gazette, and such 30 Publication shall be a sufficient Evidence of the Fact of such Industrial School having been certified to justify any Justices to commit any Child thereto, subject to the Provisions of this Act; and whenever the Committee shall withdraw the Certificate granted to any Industrial School, they shall within One Calendar Month give Notice of such 35 Withdrawal in the said Gazette.

Forms in
Schedule
may be used.

XXIII. The several Forms in the Schedule to this Act annexed, or any Forms to the like Effect, shall in all Cases be sufficient; provided always, that any Summons, Notice, or Order shall not be invalidated for Want of Form only.

40

Act not to
extend to
Ireland or
Scotland.

XXIV. This Act shall not extend to Ireland or Scotland.

SCH-

SCHEDULES.

(A.)

Notice by Police to Parent, &c. of Child being in Custody, &c.

To *C.B.* of the Parish of _____ in the County
of _____ :

I HEREBY give you Notice, pursuant to Section 5, of the "Industrial Schools Act, 1857," that a Child named *A.B.*, apparently about _____ Years of Age, the Son of [*or* who has been residing with] you the said *C.B.*, has been taken into Custody for having been on the _____ Day of _____ in the Parish of _____ in the said County of _____ found [*in the Words of the Local or General Act*], and that the Matter will be inquired into on _____ the _____ Day of _____, at _____ o'Clock in the Forenoon, at _____, before such Justices of the Peace for the said County as may then be there, who may make such Order on you the said *C.B.*, for the Maintenance of the said Child, as they may think fit; the said *A.B.* is in the meantime detained in the _____ at _____, by the Order of a Justice of the Peace.

Dated this _____ Day of _____ 185 .

M.N. { Constable, Inspector, or Superintendent of Police of _____ .

(B.)

Recognizance of Parent for good Behaviour of Child.

The Recognizance will be in the usual Form with the following Condition : The Condition of the within-written Recognizance is such, that whereas a certain Child named *A.B.*, the Son of [*or* who has been residing with, the said bounden *C.B.*, [*or, as the Case may be,*] having been found begging [*or, as the Case may be, with the Time and Place of the Offence*], if therefore the said Child shall be of good Behaviour for the Period of _____ from the Day of the Date hereof, then the said Recognizance to be void, or else to stand in full Force and Virtue.

[25.]

B

(C.)

Order sending Child to Industrial School.

to wit. } To the Constable of and to the Managers of
 } the Certified Industrial School at :

WHEREAS a certain Child named *A.B.*, about Years of Age, was this Day brought before us, Two of Her Majesty's Justices of the Peace for the County of , for that he, on the Day of , at , was found begging [*or, as the Case may be in Section 5.*]: And whereas we have made full Inquiry into the Matter, pursuant to the "Industrial Schools Act, 1857," and no satisfactory Security has been given for the future proper Care and good Behaviour of the said Child: Now therefore we, the said Justices, do, pursuant to Section 7. of the said Act, order you, the said Constable, to take the said Child, and him safely convey to the Certified Industrial School at aforesaid, (the same being proposed by the Parent of the said Child, [*if so,*]) and there to deliver him, together with this Order; and we do hereby command you the said Managers (it appearing to us that you are willing to receive him therein) to receive the said Child into your Charge in the said School, and there to detain, educate, and train him for the Period of from the Date hereof:

Given under our Hands and Seals this Day of at in the County aforesaid.

[*Signatures and Seals of Justices.*]

(D.)

Second Order changing School.

To the Managers of the Certified Industrial School at and to the Managers of the Certified Industrial School at :

WHEREAS a certain Child named *A.B.*, about Years of Age, was on the Day of , by the Order of , Two of Her Majesty's Justices of the Peace for the County of , pursuant to the "Industrial Schools Act, 1857," taken to the Certified Industrial School at , there to be detained for the Period of from the said Day of and he is now detained therein [*if so*]: And whereas the said *C.B.*, the [*Father*] of the said Child, has

has objected to the said School, and has proposed the
 Certified Industrial School at _____, and proved to me the
 undersigned, One of Her Majesty's Justices of the Peace for the
County of _____, where the Child was taken into Custody,
 that the Managers of the _____ Certified Industrial School at
 _____ are willing to receive the said Child, and the said Parent
 has also complied with the other Conditions of Section 9. of the
 said Act: These are therefore, pursuant to Section 9. of the said
 Act, to order you the said Managers of the _____ Certified
 Industrial School at _____ to send the said Child forthwith to
 the _____ Certified Industrial School at _____; and you
 the said Managers of the said last-mentioned School are hereby
 required to receive the said Child into your Charge in the said School,
 and there to detain, educate, and train him for the Period of _____
 from the _____ Day of _____.

Given under my Hand and Seal this _____ Day of _____,
 at _____ in the *County* aforesaid.

J.S. (L.S.)

(E.)

Order for Discharge of Child on Employment being found for him.

To the Managers of the _____ Certified Industrial School
 at _____:

WHEREAS a certain Child named *A.B.*, about _____ Years of Age,
 was on the _____ Day of _____, by the Order of _____ Two
 of Her Majesty's Justices of the Peace for the *County* of _____,
 made pursuant to the "Industrial Schools Act, 1857," taken to the
 _____ Certified Industrial School at _____, there to be
 detained for the Period of _____ from the said _____ Day
 of _____ and he is now detained therein:* And whereas it
 appears to us, Two of Her Majesty's Justices of the Peace for the
County of _____ in which the School is situate, that suitable
 Employment in Life has been provided for the said Child [*or* there
 appears to us, &c. sufficient Cause for the Discharge of the said Child]:
 These are therefore, pursuant to Section 11. of the said Act, to
 command you, the said Managers, forthwith to discharge the said
 Child and to deliver him into the Charge of _____, who brings
 this Order.

Given under our Hands and Seals this _____ Day of _____,
 at _____ in the *County* aforesaid.

[*Signatures and Seals of Justices.*]

(F.)

Order changing School on Security being given for future good Behaviour.

To the Managers of the Certified Industrial School
at , and to the Managers of the
Certified Industrial School at ,

[*Proceed to the Asterisk * in the Form (E.), and then say*]: And whereas it appears to us desirable that the said Child should be removed from the said Certified Industrial School to the said Certified Industrial School (the Managers of which said last-mentioned School being willing to receive the said Child therein): These are therefore, pursuant to Section 11. of the said Act, to order you the said Managers of the Certified Industrial School at to remove the said Child forthwith to the Certified Industrial School at ; and you the said Managers of the said last-mentioned School are hereby required to receive the said Child into your Charge in the said School, and there to detain, educate, and train him for the Period of from the Day of .

Given under our Hands and Seals this Day of , at in the *County* aforesaid.

[*Justices Signatures and Seals.*]

(G.)

Order for Discharge of Child on Security given for future good Behaviour.

[*Proceed to the Asterisk * in the Form (E.), and then say*]: And whereas good Security has been found before us, Two of Her Majesty's Justices of the Peace for the *County* of , in which the School is situate, for the future good Behaviour of the said Child*: These are therefore, pursuant to Section 11. of the said Act, to command you, the said Managers, forthwith to discharge the said Child, and to deliver him into the Charge of , who brings this Order.

Given under our Hands and Seals this Day of ,
at in the *County* aforesaid.

[*Signatures and Seals of Justices.*]

(H.)

*Order on Parent to pay weekly Sum to Managers of School.*To *C.B.* of _____ in the County of _____, Carpenter :

Be it remembered, That on this _____ Day of _____ in the Year of our Lord 185____, at _____ in the County of _____ a certain Complaint of *E.F.*, One of the Managers of the Certified Industrial School at _____, made under Section 14. of the "Industrial Schools Act, 1857," for that by a certain Order of Justices bearing Date the _____ Day of _____, a certain Child named *A.B.*, of the Age of _____ Years, was sent to and is now detained in the said Certified Industrial School pursuant to the said Act, and that the said Child is the Son of the said *C.B.* [*or was, at the Time of his Removal to the said School, residing with the said C.B.*], was duly heard by and before us, the undersigned, Two of Her Majesty's Justices of the Peace in and for the said County of _____, (wherein the said School is situate, *or wherein the said C.B. is residing,*) in the Presence and Hearing of the said *C.B.* [*if so, or the said C.B. not appearing to the Summons duly issued and served in this Behalf*]; and we, having duly examined into the Circumstances of the said *C.B.*, do, pursuant to Section 14. of the said Act, order the said *C.B.*, weekly and every Week from the _____ Day of _____, to pay to the Managers of the said Certified Industrial School, or to such Person as the said Managers may from Time to Time authorize to receive the same, the Sum of _____ Shillings for the Maintenance, Clothing, Education, Care, and Training of the said Child, until the said Child shall attain the Age of Fifteen Years, or shall be lawfully discharged from the said School, and also to pay the following Sums to the said *E.F.* forthwith [*or on or before the _____ Day of _____ next*]; that is to say;

£ s. d.

Charges and Expenses incurred respecting the said	
Child	- - - - -
Expenses of conveying the said Child to the said	
School	- - - - -
Costs of the Complaint	- - - - -

Making together the Sum of - - - - - £

Given under our Hands and Seals this _____ Day of _____,
at _____ in the County aforesaid.

[*Justices Signatures and Seals.*]

(I.)

Order diminishing or increasing weekly Payment by Parent.

To C.B. of _____, and to the Managers of the
Certified Industrial School at _____ :

WHEREAS by a certain Order of [us, the undersigned, *if so*,] Two of Her Majesty's Justices of the Peace for the County of _____, made on the _____ Day of _____, pursuant to Section 14. of the "Industrial Schools Act, 1857," [we,] the said Justices, ordered that you, the said C.B., should weekly and every Week pay to the Managers of the said School the Sum of _____ for the Maintenance, Clothing, Education, Care, and Training of a certain Child named A.B. (who is the Son of [or who had been residing with] you, the said C.B., and who had been theretofore duly sent to and was then and now is detained in the said Certified Industrial School for the Period therein mentioned *: Now therefore we, the said Justices, seeing Cause to diminish [*or increase*] the Amount of the said weekly Payment, do order, pursuant to Section 15. of the said Act, that the said weekly Payment to be made by you the said C.B. to you the said Managers shall, from the _____ Day of _____, be the Sum of _____ per Week, and no more.

Given under our Hands and Seals this _____ Day of _____,
at _____ in the County aforesaid.

[Justices Signatures and Seals.]

(K.)

Order releasing Parent from Payment altogether.

[Proceed as in Form (I.) to the Asterisk*, and then say:] Now therefore we, the said Justices, seeing Cause to release the said C.B. from the said weekly Payment altogether, do order, pursuant to Section 15. of the said Act, that you, the said C.B., shall be released altogether from the Payment of the aforesaid weekly Sum to the said Guardians [*or Overseers*] from the _____ Day of _____

Given under our Hands and Seals this _____ Day of _____
at _____ in the County aforesaid.

Industrial Schools.

A

B I L L

[AS AMENDED IN COMMITTEE]

To make better Provision for the Care
and Education of vagrant, destitute,
and disorderly Children, and for the
Extension of Industrial Schools.

(Prepared and brought in by
Mr. Adelerley, Mr. Liddell, Mr. Huntz, and
Mr. Headlam.)

*Ordered, by The House of Commons, to be Printed,
20 May 1857.*

[Bill 25.]

Under 2 oz.

Industrial Schools Bill.

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT.]

ARRANGEMENT OF CLAUSES.

Short Title; Sect. 1.

Interpretation Clause; 2.

Certifying and Inspection of Schools; 3, 4.

CLAUSE D. Children taken into Custody for Vagrancy may be sent to School while Inquiries are made; 5.

Justices may order Child to be discharged, or sent to a Certified Industrial School; 6.

CLAUSE E. Justices may make Parent responsible for good Behaviour of his Child; 7.

CLAUSE F. Parent liable to Penalty for Neglect during Responsibility; 8.

CLAUSE G. Time passed in Industrial School to be excluded in Computation of Time under 9 & 10 Vict. c. 66.; 9.

Parent may (under Conditions) choose School; 10.

Duplicate of Order to be given to Managers of School; 11.

Children may be discharged from School if Employment or Security found, or attaining Age of Fifteen, or be removed to another School; 12, 13, 14.

Parents may be ordered to reimburse the Managers; 15.

Parents Payment may be diminished or increased; 16.

Managers may permit Children to sleep out of School; 17.

Penalties on Children absconding from School; 18.

Penalties on Persons inducing Children to abscond or harbouring them; 19.

Service of Notices; 20.

CLAUSE A. Guardians may contract with Managers; 21.

CLAUSE B. What is sufficient Evidence as to Certificate of School, Identity of Child, and making of Orders; 22.

CLAUSE C. Committee of Education to give Notice of certified Schools; 23.

Forms in Schedule may be used; 24.

Extent of Act; 25.

SCHEDULES.



A

B I L L

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

TO

Make better Provision for the Care and Education of vagrant, destitute, and disorderly Children, and for the Extension of Industrial Schools.

WHEREAS Industrial Schools for the better training of Preamble.
Vagrant Children have been and may be established in
various Parts of England, and it is expedient that more
extensive Use should be made of such Institutions, and that the
5 Responsibility of Parents to provide for the proper Care of their
Children should be enforced: Be it enacted by the Queen's most
Excellent Majesty, by and with the Advice and Consent of the
Lords Spiritual and Temporal, and Commons, in this present Parlia-
ment assembled, and by the Authority of the same, as follows:

10 I. This Act may be cited as the "Industrial Schools Act, 1857." Short Title.

II. The following Words and Expressions shall have the Meanings Interpretation
hereby assigned to them respectively, unless there be something in Clause.
the Subject or Context repugnant to such Construction:

15 "Police" shall include every Policeman, Police Constable, Parish "Police:"
Constable, Tythingman, or Headborough:
[Bill 113.] A 2 "Justices"

- "Justices:" "Justices" shall include any Two or more Justices of the Peace acting together, and also any Person who by the Act of the Eleventh and Twelfth Years of Her present Majesty, Chapter Forty-three, Sections Thirty-three and Thirty-four, is authorized to do alone whatsoever is authorized by that Act to be done by any Two or more Justices of the Peace: 5
- "Child:" "Child" shall include any Boy or Girl who in the Opinion of the Justices is above the Age of Seven and under the Age of Fourteen :
- "Certified Industrial School:" "Certified Industrial School" shall mean any School or Institution certified under this Act: 10
- "Managers:" "Managers" shall include the Directors, Managers, or other Persons who shall have the Management or Control of any Certified Industrial School :
- "Parent:" "Parent" shall include any Person legally liable to maintain a Child, and also any Person upon whom an Order for Affiliation has been made and not quashed: 15
- "Security:" "Security" shall mean a Recognizance, with or without Surety or Sureties, in the Discretion of the Justices, and in such Amount as they shall think sufficient : 20
- "County." "County" shall include any City, Borough, Riding, or Division of a County having a separate Commission of the Peace.

Committee of Privy Council on Education may certify any Industrial School.

III. The Committee of Her Majesty's Privy Council on Education may, upon the Application of the Managers of any School in which Industrial Training is provided, and in which Children are fed as well as taught, direct such Person as they may appoint to examine and report to them upon its Condition and Regulations, and, if satisfied therewith, may grant a Certificate under the Hand of the President of Her Majesty's Privy Council or of the Vice-President of the said Committee thereof, and thenceforth the School shall be a Certified Industrial School within the Meaning of this Act; provided always, that no School shall be certified both under this Act and under the Act of the Seventeenth and Eighteenth Victoria, Chapter Eighty-six. 25 30

17 & 18 Vict. c. 86.

Inspector to report annually.

Certificate may be withdrawn.

IV. The said Committee shall direct a Report of the Condition and Regulations of every Certified Industrial School to be made to them at least once in each Year by such Person as they may appoint; and if upon his Report the Committee is dissatisfied with the Condition or Regulations of the School, they may withdraw their Certificate, and, upon Notice in Writing of such Withdrawal having been given to the Managers thereof, the School shall cease to be a Certified Industrial School from such Time as shall be specified in the Notice. 35 40

V. When

V. When any Child is taken into Custody on a Charge of Vagrancy under any Local or General Act, the Justices, on receiving satisfactory Proof in support of such Charge, may, if the Parent of the Child cannot at once be found, and provided there be any
 5 Certified Industrial School, the Managers of which are willing to receive him, order the Child to be sent to such Industrial School for any Period not exceeding One Week, and shall direct due Inquiries to be made, and Notice (Form A.) to be given to the Parent or
 10 Guardian of the Child, if any can be found, or to the Persons with whom the Child is or was last known to have been residing, of the Circumstances under which the Child has been taken into Custody, and that the Matter will be inquired into at the Time and Place mentioned in the Notice.

CLAUSE D.
 Children taken into Custody for Vagrancy may be sent to School while Inquiries are made.

VI. At the Time and Place mentioned in the Notice, any Justices
 15 may make full Inquiry into the Matter, and may, if they shall think fit, order the Child to be discharged altogether, or may, by Writing under their Hands and Seals (Form C.), order the Child to be sent for such Period as they may think necessary for his Education and Training to any Certified Industrial School, the Managers of which
 20 are willing to receive him: Provided, however, if within the County where the Child was taken into Custody, or any adjoining County, there shall be any Certified Industrial School conducted on the Principles of the religious Persuasion to which the Parent of the Child in the Opinion of the Justices shall belong, and the Managers
 25 of such School shall be willing to receive him, such Child shall be sent to such last-mentioned School, and not to any other.

Justice may order Child to be discharged or sent to a Certified Industrial School.

VII. The Justices may forthwith, if the Parent be found, or otherwise, at the Time and Place mentioned in the aforesaid Notice, make full Inquiry into the Matter, and may, if they think fit, discharge the
 30 Child altogether, or may, on Conviction of such Child on such Charge as aforesaid, deliver him up to his Parents, on their giving an Assurance in Writing (according to Form B.) that they will be responsible for the good Behaviour of the Child for any Period not exceeding Twelve Months, and in default of such Assurance being given may
 35 by Writing under their Hands and Seals (Form C.) order the Child to be detained for such Period as they think necessary for his Education in any Certified Industrial School, the Managers of which are willing to take charge of him; provided, however, if within the County where the Child was taken into Custody, or any adjoining
 40 County, there shall be any Certified Industrial School conducted on the Principles of the religious Persuasion to which the Parent of the Child in the Opinion of the Justices shall belong, and the Managers

CLAUSE E.
 Justices may make Parent responsible for good Behaviour of his Child.

of which School shall be willing to receive him, such Child shall be sent to such last-mentioned School, and not to any other.

CLAUSE F.
Parent liable
to Penalty
for Neglect
during Re-
sponsibility.

VIII. If the Child, after such Assurance as aforesaid being given, be brought up again on a similar Charge within the Period for which the Parent has become responsible for his good Behaviour, 5 the Justices may inflict a Fine upon the Parent, not exceeding Forty Shillings, should it be proved, to the Satisfaction of the Justices, that the last-mentioned Act of Vagrancy has taken place through the Neglect of the Parent.

CLAUSE G.
Time passed
in Industrial
School to be
excluded in
Computation
of Time
under
9 & 10 Vict.
c. 66.

IX. The Time during which any Child shall be lodged in any 10 Certified Industrial School under this Act shall, for all the Purposes of the Act of the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Sixty-six, and of every Act incorporated therewith, be excluded in the Computation of the Time therein mentioned. 15

Parent may
(under Con-
ditions) have
Child sent
to School
which he
approves.

X. If the Parent objects on any other than religious Grounds to the Certified Industrial School to which the Child has been sent or ordered to be sent, and proposes some other Certified Industrial School, and proves that the Managers of it are willing to receive the Child, and pays or finds good Security to pay any Expenses which 20 may be incurred in consequence of his Objection, any Justice of the County where the Child was taken into Custody shall order (Form D.) the Child to be sent to the Certified Industrial School proposed by the Parent.

Duplicate of
Order to be
given to
Managers,
and to be
sufficient
Warrant for
Detention of
Child.

XI. A Duplicate of the Order under which any Child is in pur- 25 suance of this Act ordered to be sent to a Certified Industrial School shall be sent to the Managers thereof, and shall be a sufficient Warrant for the Detention of the Child.

Child may
be dis-
charged
from School.

XII. On the Application of the Parent or of the Managers, any Justices of the County in which the School is situate, if satisfied 30 that a suitable Employment in Life has been provided for the Child, or that there is otherwise sufficient Cause, may discharge (Form E.) the Child from the Certified Industrial School before the full Expiration of the Period for which he has been sent there, or may order his Removal from one Certified Industrial School to another (Form F.), 35 or may order him to be discharged altogether.

Child may
be dis-
charged on

XIII. On good Security being at any Time found by the Parent or by any other Person, any Justices of the County in which the Certified

Certified Industrial School to which the Child has been sent is situate shall order (Form G.) the Child to be discharged therefrom; provided always, that the Security shall be in such Amount as the Justices determine, or may be rejected by them altogether, on its being proved to their Satisfaction that Security for the Child has at any Time and under any Circumstances been previously rejected or forfeited.

good Security being found.

XIV. No Child shall be detained in any Certified Industrial School under this Act beyond the Age of Fifteen Years against his Consent.

Child not to be detained when Fifteen Years old.

XV. Any Justices of the County in which the Certified Industrial School to which the Child has been sent is situate, or in which the Parent is residing, may, upon the Complaint of the Managers, summon the Parent, and examine into his Circumstances, and in their Discretion may order him (Form H.) to pay to such Managers, or to any Person authorized by them from Time to Time to receive it, a weekly Sum not exceeding Three Shillings, until the Child attains the Age of Fifteen Years, or is lawfully discharged; and on default of Payment for the Space of Fourteen Days the like Proceedings may be taken for enforcing and recovering the same as are herein-after provided for the enforcing and recovering of any Penalty or Forfeiture imposed by this Act.

On Application of Manager, the Parent may be summoned, and ordered to pay according to his Ability.

XVI. The Parent or the Managers may at any Time apply to any Justices of the County in which the Certified Industrial School is situate, or in which the Parent is residing, for an Order to diminish the Amount of the weekly Sum payable by the Parent, or to increase it to an Amount not exceeding Three Shillings per Week; and the Justices, on Proof that the Parent or the Managers have given to each other (as the Case may be) not less than One Week's Notice in Writing of the intended Application, and of the Time and Place of hearing the same, shall make full Inquiry into the Matter, and may diminish or increase the Amount of the weekly Sum payable by the Parent, as they think fit, or may release him from such Payment altogether (Forms I. and K.)

Parents Payment may be diminished or increased.

XVII. The Managers may, at their Discretion, permit any Child to sleep or lodge at the Dwelling of his Parent, or of any trustworthy and respectable Person, and may also, at their Discretion, revoke such Permission; provided always, that they shall continue to board and feed the Child in all respects as if he were lodging in the Certified Industrial School.

Managers may permit Children to sleep out of School.

Children absconding, &c. may be sent back to the School.

XVIII. If any Child, whether lodging in the School or elsewhere, before attaining the Age of Fifteen Years, or being duly discharged, wilfully absconds from the School, or neglects his Attendance thereat, any Justice of the County in which the Certified Industrial School is situate, or in which the Child is re-taken, may, by Writing under his Hand and Seal (Form) order him to be sent back to the School, and to be detained there until he attains the Age of Fifteen Years, or for such shorter Period as the Justices think fit. 5

Penalties on Persons inducing Children to abscond, &c. or harbouring them.

XIX. Any Person who directly or indirectly withdraws a Child from the Certified Industrial School to which he has been sent, or induces him to abscond therefrom, or to neglect his Attendance there, previous to his attaining the Age of Fifteen Years, or being duly discharged, or who knowingly conceals or harbours him, or in any way prevents his Return, shall for every such Offence be liable in a Penalty not exceeding Five Pounds, to be recovered by summary Proceedings before any Justice in or near the Place where the Offence is committed, or where the Offender may at the Time being happen to be, in manner provided by the Act of the Session holden in the Eleventh and Twelfth Years of Her Majesty, Chapter Forty-three. 15

Service of Notices.

XX. The leaving of any Summons or Notice or Order authorized to be issued or made by any Justices under this Act at the usual or last known Place of Abode of the Party to whom the same respectively is directed shall in every Case be deemed a good and sufficient Service thereof; provided always, that in any Case where the Parent is ascertained to be residing at a greater Distance than Seven Miles from the Place where the Child was taken into Custody, any such Summons, Notice, or Order may be addressed as aforesaid, and sent by the Post, and such Posting shall be deemed a good and sufficient Service thereof. 25

CLAUSE A.
Guardians may contract with Managers.

XXI. The Guardians of any Union or any Parish wherein the Relief to the Poor is administered by a Board of Guardians may, if they deem proper, with Consent of the Poor Law Board, contract with the Managers of any Certified Industrial School for the Maintenance and Education of any Pauper Child. 30

CLAUSE B.
What is sufficient Evidence as to Certificate of School, Identity of Child, and making of Orders.

XXII. Whenever it shall be necessary to prove that any Industrial School is duly certified or sanctioned under this Act, the Production of an attested Copy of the Certificate shall be sufficient Evidence thereof; and the Production of an original Duplicate of the Order under which any Child has been sent to or is detained in any Certified Industrial School under this Act, or a Copy of such Order with a Memorandum signed by the Manager or Superintendent, or Master 35

or

or Matron of any such School, that the young Person named in such Order was duly received into and is at the signing thereof detained in such School, or has been otherwise disposed of according to Law, and the Production of an original Duplicate of any Order made upon the
5 Parent under this Act, or a Copy thereof certified by the Clerk to the Justices making the same to be a correct Copy, shall in all Proceedings whatsoever be sufficient Evidence of the due making and signing of all or any of such Orders, Memorandum, and Certificate respectively, and of the sending, Detention, and Identity of the Child
10 or Parent named in such Orders respectively, without Proof of the Signatures or official Characters of the Justices or other Persons appearing to have signed the same respectively.

XXIII. Whenever the Committee of Her Majesty's Privy Council on Education shall at any Time grant a Certificate under this Act to
15 any Industrial School, they shall within One Calendar Month cause a Notice thereof to be published in the London Gazette, and such Publication shall be a sufficient Evidence of the Fact of such Industrial School having been certified to justify any Justices to commit any Child thereto, subject to the Provisions of this Act; and whenever
20 the Committee shall withdraw the Certificate granted to any Industrial School, they shall within One Calendar Month give Notice of such Withdrawal in the said Gazette.

CLAUSE C.
Committee of Education to give Notice of certified Schools.

XXIV. The several Forms in the Schedule to this Act annexed, or any Forms to the like Effect, shall in all Cases be sufficient;
25 provided always, that any Summons, Notice, or Order shall not be invalidated for Want of Form only.

Forms in Schedule may be used.

XXV. This Act shall not extend to Ireland or Scotland.

Act not to extend to Ireland or Scotland.

SCHEDULES.

(A.)

Notice by Police to Parent, &c. of Child being in Custody, &c.

To *C.B.* of the Parish of _____ in the County
of _____ :

I HEREBY give you Notice, pursuant to Section 5 of the "Industrial Schools Act, 1857," that a Child named *A.B.*, apparently about _____ Years of Age, the Son of [*or* who has been residing with] you the said *C.B.*, has been taken into Custody for having been on the _____ Day of _____ in the Parish of _____ in the said County of _____ found [*in the Words of the Local or General Act*], and that the Matter will be inquired into on _____ the _____ Day of _____, at _____ o'Clock in the Forenoon, at _____, before such Justices of the Peace for the said County as may then be there, who may make such Order on you the said *C.B.*, to be dealt with according to the said Act, as they may think fit; the said *A.B.* is in the meantime detained in the at _____, by the Order of a Justice of the Peace.

Dated this _____ Day of _____ 185 .

M.N. { Constable, Inspector, *or* Superin-
tendent of Police of _____ .

(B.)

Form of Assurance of Parent for good Behaviour of Child.

Whereas a Child named *A.B.*, the Son of *C.D.*, has been proved a Vagrant; I *C.D.* hereby undertake to be responsible for the good Behaviour of the said Child for the Period of _____ Months from the Day of the Date thereof.

(C.)

Order sending Child to Industrial School.

to wit. } To the Constable of and to the Managers of
 } the Certified Industrial School at ;

WHEREAS a certain Child named *A.B.*, about Years of Age, was this Day brought before us, Two of Her Majesty's Justices of the Peace for the County of , for that he, on the Day of , at , was found begging [*or, as the Case may be in Section 5.*]: And whereas we have made full Inquiry into the Matter, pursuant to the "Industrial Schools Act, 1857," and no satisfactory Assurance has been given for the future proper Care and good Behaviour of the said Child: Now therefore we, the said Justices, do, pursuant to Section 7. of the said Act, order you, the said Constable, to take the said Child, and him safely convey to the Certified Industrial School at aforesaid, and there to deliver him, together with this Order; and we do hereby command you the said Managers (it appearing to us that you are willing to receive him therein) to receive the said Child into your Charge in the said School, and there to detain, educate, and train him for the Period of from the Date hereof.

Given under our Hands and Seals this Day of
at in the *County* aforesaid.

[Signatures and Seals of Justices.]

(D.)

Second Order changing School.

To the Managers of the _____ Certified Industrial School
at _____ and to the Managers of the
Certified Industrial School at _____ ;

WHEREAS a certain Child named A.B., about Years of Age, was on the Day of , by the Order of , Two of Her Majesty's Justices of the Peace for the County of , pursuant to the "Industrial Schools Act, 1857," taken to the Certified Industrial School at , there to be detained for the Period of from the said Day of , and he is now detained therein [if so]: And whereas C.B., according to the Provisions of the said

[113.] B 2 Act

Act entitled to object has objected to the said School, and has proposed the _____ Certified Industrial School at _____, and proved to me the undersigned, One of Her Majesty's Justices of the Peace for the *County* of _____, where the Child was taken into Custody, that the Managers of the _____ Certified Industrial School at _____ are willing to receive the said Child, and the said Parent has also complied with the other Conditions of Section 9. of the said Act: These are therefore, pursuant to Section 9. of the said Act, to order you the said Managers of the _____ Certified Industrial School at _____ to deliver up the said Child forthwith to the _____ Certified Industrial School at _____; and you the said Managers of the said last-mentioned School are hereby required to receive the said Child into your Charge in the said School, and there to detain, educate, and train him for the Period of _____ from the _____ Day of _____.

Given under my Hand and Seal this _____ Day of _____, _____ at _____ in the *County* aforesaid. J.S. (L.S.)

(E.)

Order for Discharge of Child on Employment being found for him.

To the Managers of the _____ Certified Industrial School at _____:

WHEREAS a certain Child named *A.B.*, about _____ Years of Age, was on the _____ Day of _____, by the Order of _____ Two of Her Majesty's Justices of the Peace for the *County* of _____, made pursuant to the "Industrial Schools Act, 1857," taken to the _____ Certified Industrial School at _____, there to be detained for the Period of _____ from the said _____ Day of _____ and he is now detained therein:* And whereas it appears to us, Two of Her Majesty's Justices of the Peace for the *County* of _____ in which the School is situate, that suitable Employment in Life has been provided for the said Child [*or there appears to us, &c. sufficient Cause for the Discharge of the said Child*]: These are therefore, pursuant to Section 11. of the said Act, to command you, the said Managers, forthwith to discharge the said Child and to deliver him into the Charge of _____, who brings this Order.

Given under our Hands and Seals this _____ Day of _____, _____ at _____ in the *County* aforesaid.

[*Signatures and Seals of Justices.*]

(F.)

Order changing School on Assurance being given for future good Behaviour.

To the Managers of the Certified Industrial School
at , and to the Managers of the
Certified Industrial School at .

[*Proceed to the Asterisk * in the Form (E.), and then say*]: And whereas it appears to us desirable that the said Child should be removed from the said Certified Industrial School to the said Certified Industrial School (the Managers of which said last-mentioned School being willing to receive the said Child therein): These are therefore, pursuant to Section 11. of the said Act, to order you the said Managers of the Certified Industrial School at to deliver up the said Child forthwith to the Certified Industrial School, or to any Person authorized by them to receive the Child, at ; and you the said Managers of the said last-mentioned School are hereby required to receive the said Child into your Charge in the said School, and there to detain, educate, and train him for the Period of from the Day of .

Given under our Hands and Seals this Day of , at in the *County* aforesaid.

[*Justices Signatures and Seals.*]

(G.)

Order for Discharge of Child on Security given for future good Behaviour.

[*Proceed to the Asterisk * in the Form (E.), and then say*]: And whereas good Security has been found before us, Two of Her Majesty's Justices of the Peace for the *County* of , in which the School is situate, for the future good Behaviour of the said Child*: These are therefore, pursuant to Section 11. of the said Act, to command you, the said Managers, forthwith to discharge the said Child, and to deliver him into the Charge of , who brings this Order.

Given under our Hands and Seals this Day of ,
at in the *County* aforesaid.

[*Signatures and Seals of Justices.*]

(H.)

*Order on Parent to pay weekly Sum to Managers of School.*To *C.B.* of _____ in the County of _____, Carpenter :

BE it remembered, That on this _____ Day of _____ in the Year of our Lord 185____, at _____ in the County of _____ a certain Complaint of *E.F.*, One of the Managers of the Certified Industrial School at _____, made under Section 14. of the "Industrial Schools Act, 1857," for that by a certain Order of Justices bearing Date the _____ Day of _____, a certain Child named *A.B.*, of the Age of _____ Years, was sent to and is now detained in the said Certified Industrial School pursuant to the said Act, and that the said Child is the Son of the said *C.B.* [or was, at the Time of his Removal to the said School, residing with the said *C.B.*], was duly heard by and before us, the undersigned, Two of Her Majesty's Justices of the Peace in and for the said County of _____, (wherein the said School is situate, or wherein the said *C.B.* is residing,) in the Presence and Hearing of the said *C.B.* [if so, or the said *C.B.* not appearing to the Summons duly issued and served in this Behalf]; and we, having duly examined into the Circumstances of the said *C.B.*, do, pursuant to Section 14. of the said Act, order the said *C.B.*, weekly and every Week from the _____ Day of _____, to pay to the Managers of the said Certified Industrial School, or to such Person as the said Managers may from Time to Time authorize to receive the same, the Sum of _____ Shillings for the Maintenance, Clothing, Education, Care, and Training of the said Child, until the said Child shall attain the Age of Fifteen Years, or shall be lawfully discharged from the said School.

Given under our Hands and Seals this _____ Day of _____, at _____ in the County aforesaid.

[Justices Signatures and Seals.]

(I.)

Order diminishing or increasing weekly Payment by Parent.

To *C.B.* of _____, and to the Managers of the
 Certified Industrial School at _____ :

WHEREAS by a certain Order of [us, the undersigned, *if so,*] Two of Her Majesty's Justices of the Peace for the *County* of _____, made on the _____ Day of _____, pursuant to Section 14. of the "Industrial Schools Act, 1857," [we,] the said Justices, ordered that you, the said *C.B.*, should weekly and every Week pay to the Managers of the said School the Sum of _____ for the Maintenance, Clothing, Education, Care, and Training of a certain Child named *A.B.* (who is the Son of [or who had been residing with] you, the said *C.B.*, and who had been theretofore duly sent to and was then and now is detained in the said Certified Industrial School for the Period therein mentioned *: Now therefore we, the said Justices, seeing Cause to diminish [or increase] the Amount of the said weekly Payment, do order, pursuant to Section 15. of the said Act, that the said weekly Payment to be made by you the said *C.B.* to you the said Managers shall, from the _____ Day of _____, be the Sum of _____ per Week, and no more.

Given under our Hands and Seals this _____ Day of _____,
 at _____ in the *County* aforesaid.

[*Justices Signatures and Seals.*]

(K.)

Order releasing Parent from Payment altogether.

[*Proceed as in Form (I.) to the Asterisk*, and then say:*] Now therefore we, the said Justices, seeing Cause to release the said *C.B.* from the said weekly Payment altogether, do order, pursuant to Section 15. of the said Act, that you, the said *C.B.*, shall be released altogether from the Payment of the aforesaid weekly Sum to the said Managers from the _____ Day of _____

Given under our Hands and Seals this _____ Day of _____
 at _____ in the *County* aforesaid.

Industrial Schools.

A

BILL

[AS AMENDED IN COMMITTEE AND ON
RE-COMMITMENT]

To make better Provision for the Care
and Education of vagrant, destitute,
and disorderly Children, and for the
Extension of Industrial Schools.

(Prepared and brought in by
Mr. Adelerley, Mr. Liddell, Mr. Muntz, and
Mr. Headlam.)

Ordered, by The House of Commons, to be Printed,
9 July 1857.

[Bill 113.]
Under 2 oz.

Industrial Schools Bill.

[AS AMENDED IN COMMITTEE, ON RE-COMMITMENT, AND ON
CONSIDERATION OF BILL AS AMENDED.]

ARRANGEMENT OF CLAUSES.

Short Title ; Sect. 1.

Interpretation Clause ; 2.

Certifying and Inspection of Schools ; 3, 4.

CLAUSE D. Children taken into Custody for Vagrancy may be sent to School while Inquiries are made ; 5.

Justices may order Child to be discharged, or sent to a Certified Industrial School ; 6.

CLAUSE E. Justices may make Parent responsible for good Behaviour of his Child ; 7.

CLAUSE F. Parent liable to Penalty for Neglect during Responsibility ; 8.

CLAUSE G. Time passed in Industrial School to be excluded in Computation of Time under 9 & 10 Vict. c. 66. ; 9.

Parent may (under Conditions) choose School ; 10.

CLAUSE H. Book to be kept in which Religious Denomination of Children to be entered ; Hours to be fixed for Visits of Clergymen ; 11.

Duplicate of Order to be given to Managers of School ; 12.

Children may be discharged from School if Employment or Security found, or attaining Age of Fifteen, or be removed to another School ; 13, 14, 15.

Parents may be ordered to reimburse the Managers ; 16.

Parents Payment may be diminished or increased ; 17.

Managers may permit Children to sleep out of School ; 18.

Penalties on Children absconding from School ; 19.

Penalties on Persons inducing Children to abscond or harbouring them ; 20.

Service of Notices ; 21.

CLAUSE A. Guardians may contract with Managers ; 22.

CLAUSE B. What is sufficient Evidence as to Certificate of School, Identity of Child, and making of Orders ; 23.

CLAUSE C. Committee of Education to give Notice of certified Schools ; 24.

Forms in Schedule may be used ; 25.

Extent of Act ; 26.

SCHEDULES.

16 July 1857. 20 & 21 VICT.



A

B I L L

[AS AMENDED IN COMMITTEE, ON RE-COMMITMENT, AND ON
CONSIDERATION OF BILL AS AMENDED]

TO

Make better Provision for the Care and Edu-
cation of vagrant, destitute, and disorderly
Children, and for the Extension of Industrial
Schools.

WHEREAS Industrial Schools for the better training of Preamble
Vagrant Children have been and may be established in
various Parts of England, and it is expedient that more
extensive Use should be made of such Institutions, and that the
5 Responsibility of Parents to provide for the proper Care of their
Children should be enforced: Be it enacted by the Queen's most
Excellent Majesty, by and with the Advice and Consent of the
Lords Spiritual and Temporal, and Commons, in this present Parlia-
ment assembled, and by the Authority of the same, as follows:

10 I. This Act may be cited as the "Industrial Schools Act, 1857." Short Title.

II. The following Words and Expressions shall have the Meanings Interpreta-
hereby assigned to them respectively, unless there be something in tion Clause.
the Subject or Context repugnant to such Construction:

"Police" shall include every Policeman, Police Constable, Parish "Police:"
15 Constable, Tythingman, or Headborough:
[Bill 130.] A 2 "Justices"

- "Justices:" "Justices" shall include any Two or more Justices of the Peace acting together, and also any Person who by the Act of the Eleventh and Twelfth Years of Her present Majesty, Chapter Forty-three, Sections Thirty-three and Thirty-four, is authorized to do alone whatsoever is authorized by that Act to be done by any Two or more Justices of the Peace: 5
- "Child:" "Child" shall include any Boy or Girl who in the Opinion of the Justices is above the Age of Seven and under the Age of Fourteen:
- "Certified Industrial School:" "Certified Industrial School" shall mean any School or Institution certified under this Act: 10
- "Managers:" "Managers" shall include the Directors, Managers, or other Persons who shall have the Management or Control of any Certified Industrial School:
- "Parent:" "Parent" shall include any Person legally liable to maintain a Child, and also any Person upon whom an Order for Affiliation has been made and not quashed: 15
- "Security:" "Security" shall mean a Recognizance, with or without Surety or Sureties, in the Discretion of the Justices, and in such Amount as they shall think sufficient: 20
- "County." "County" shall include any City, Borough, Riding, or Division of a County having a separate Commission of the Peace.

Committee of Privy Council on Education may certify any Industrial School.

17 & 18 Vict. c. 86.

III. The Committee of Her Majesty's Privy Council on Education may, upon the Application of the Managers of any School in which Industrial Training is provided, and in which Children are fed as well as taught, direct such Person as they may appoint to examine and report to them upon its Condition and Regulations, and, if satisfied therewith, may grant a Certificate under the Hand of the President of Her Majesty's Privy Council or of the Vice-President of the said Committee thereof, and thenceforth the School shall be a Certified Industrial School within the Meaning of this Act; provided always, that no School shall be certified both under this Act and under the Act of the Seventeenth and Eighteenth Victoria, Chapter Eighty-six. 25 30

Inspector to report annually.

Certificate may be withdrawn.

IV. The said Committee shall direct a Report of the Condition and Regulations of every Certified Industrial School to be made to them at least once in each Year by such Person as they may appoint; and if upon his Report the Committee is dissatisfied with the Condition or Regulations of the School, they may withdraw their Certificate, and, upon Notice in Writing of such Withdrawal having been given to the Managers thereof, the School shall cease to be a Certified Industrial School from such Time as shall be specified in the Notice. 35 40

V. When

V. When any Child is taken into Custody on a Charge of Vagrancy under any Local or General Act, the Justices, on receiving satisfactory Proof in support of such Charge, may, if the Parent, or in case of an Orphan, if the Guardian or nearest adult Relative, of
 5 the Child cannot at once be found, and provided there be any Certified Industrial School, the Managers of which are willing to receive him, order the Child to be sent to such Industrial School for any Period not exceeding One Week, and shall direct due Inquiries to be made, and Notice (Form A.) to be given to the Parent or
 10 Guardian or nearest adult Relative of the Child, if any can be found, or to the Persons with whom the Child is or was last known to have been residing, of the Circumstances under which the Child has been taken into Custody, and that the Matter will be inquired into at the Time and Place mentioned in the Notice.

CLAUSE D.
 Children taken into Custody for Vagrancy may be sent to School while Inquiries are made.

VI. At the Time and Place mentioned in the Notice, any Justices may make full Inquiry into the Matter, and may, if they shall think fit, order the Child to be discharged altogether, or may, by Writing under their Hands and Seals (Form C.), order the Child to be sent for such Period as they may think necessary for his Education and
 20 Training to any Certified Industrial School, the Managers of which are willing to receive him: Provided, however, if within the County where the Child was taken into Custody, or any adjoining County, there shall be any Certified Industrial School conducted on the Principles of the religious Persuasion to which the Parent of the
 25 Child in the Opinion of the Justices shall belong, and the Managers of such School shall be willing to receive him, such Child shall be sent to such last-mentioned School, and not to any other.

Justice may order Child to be discharged or sent to a Certified Industrial School.

VII. The Justices may forthwith, if the Parent, or if an Orphan, then the Guardian or nearest adult Relative, be found, or otherwise, at
 30 the Time and Place mentioned in the aforesaid Notice, make full Inquiry into the Matter, and may, if they think fit, discharge the Child altogether, or may, on Conviction of such Child on such Charge as aforesaid, deliver him up to his Parents, or if an Orphan, to the Guardian or nearest adult Relative as aforesaid, on their giving an Assur-
 35 ance in Writing (according to Form B.) that they will be responsible for the good Behaviour of the Child for any Period not exceeding Twelve Months, and in default of such Assurance being given may by Writing under their Hands and Seals (Form C.) order the Child to be detained for such Period as they think necessary for his Educa-
 40 tion in any Certified Industrial School, the Managers of which are willing to take charge of him; provided, however, if within the County where the Child was taken into Custody, or any adjoining County, there shall be any Certified Industrial School conducted on

CLAUSE E.
 Justices may make Parent responsible for good Behaviour of his Child.

the Principles of the religious Persuasion to which the Parent of the Child in the Opinion of the Justices shall belong, and the Managers of which School shall be willing to receive him, such Child shall be sent to such last-mentioned School, and not to any other.

CLAUSE F.
Parent liable
to Penalty
for Neglect
during Re-
sponsibility.

VIII. If the Child, after such Assurance as aforesaid being given, 5
be brought up again on a similar Charge within the Period for
which the Parent, or in case of an Orphan, then the Guardian or
nearest adult Relative, has become responsible for his good Behaviour,
the Justices may inflict a Fine upon the Parent or Guardian or
nearest adult Relative as aforesaid, not exceeding Forty Shillings,
should it be proved, to the Satisfaction of the Justices, that the 10
last-mentioned Act of Vagrancy has taken place through the Neglect
of the Parent.

CLAUSE G.
Time passed
in Industrial
School to be
excluded in
Computation
of Time
under
9 & 10 Vict.
c. 66.

IX. The Time during which any Child shall be lodged in any
Certified Industrial School under this Act shall, for all the Purposes
of the Act of the Ninth and Tenth Years of the Reign of Her 15
present Majesty, Chapter Sixty-six, and of every Act incorporated
therewith, be excluded in the Computation of the Time therein
mentioned.

Parent may
(under Con-
ditions) have
Child sent
to School
which he
approves.

X. If the Parent, or in case of an Orphan, if the Guardian or
nearest adult Relative, objects to the Certified Industrial School to 20
which the Child has been sent or ordered to be sent, and proposes
some other Certified Industrial School, and proves that the Managers
of it are willing to receive the Child, and, if on any other than
Religious Ground, pays or finds good Security to pay any Ex-
penses which may be incurred in consequence of his Objection, any 25
Justice of the County where the Child was taken into Custody shall
order (Form D.) the Child to be sent to the Certified Industrial
School proposed by the Parent or Guardian or nearest adult Relative
as aforesaid.

CLAUSE H.
Book to be
kept in
which Reli-
gious Deno-
mination of
Children to
be entered;
Hours to be
fixed for
Visits of
Clergymen.

XI. In every Industrial School a Book shall be kept by the 30
Managers, to which Access shall be had at all reasonable Hours, in
which the Religious Denomination of the Child when admitted to the
Industrial School shall be entered; and it shall be lawful, upon the
Representation of the Parent, or in case of an Orphan, then of the
Guardian or nearest adult Relative, of any Inmate placed in such 35
Industrial School under the Provisions of this Act, for Minister of
the Religious Persuasion of the Inmate of such Industrial School, at
certain fixed Hours of the Day, which shall be fixed by the Managers
for the Purpose, to visit such Schools for the Purpose of affording
Religious Assistance to such Inmate, and also for the Purpose of 40
instructing such Inmate in the Principles of his Religion.

XII. A Dupli-

XII. A Duplicate of the Order under which any Child is in pursuance of this Act ordered to be sent to a Certified Industrial School shall be sent to the Managers thereof, and shall be a sufficient Warrant for the Detention of the Child.

Duplicate of Order to be given to Managers, and to be sufficient Warrant for Detention of Child.

5 XIII. On the Application of the Parent, or in case of an Orphan, then of the Guardian or nearest adult Relative, or of the Managers, any Justices of the County in which the School is situate, or of the County where such Parent resides, if satisfied that a suitable Employment in Life has been provided for the Child, or that
10 there is otherwise sufficient Cause, may discharge (Form E.) the Child from the Certified Industrial School before the full Expiration of the Period for which he has been sent there, or may order his Removal from one Certified Industrial School to another (Form F.), or may order him to be discharged altogether.

Child may be discharged from School.

15 XIV. On good Security being at any Time found by the Parent or by any other Person, any Justices of the County in which the Certified Industrial School to which the Child has been sent is situate or of the County where such Parent resides shall order (Form G.) the Child to be discharged therefrom; provided always, that the
20 Security shall be in such Amount as the Justices determine, or may be rejected by them altogether, on its being proved to their Satisfaction that Security for the Child has at any Time and under any Circumstances been previously rejected or forfeited.

Child may be discharged on good Security being found.

25 XV. No Child shall be detained in any Certified Industrial School under this Act beyond the Age of Fifteen Years against his Consent.

Child not to be detained when Fifteen Years old.

30 XVI. Any Justices of the County in which the Certified Industrial School to which the Child has been sent is situate, or in which the Parent is residing, may, upon the Complaint of the Managers, summon the Parent, and examine into his Circumstances, and in their Discretion may order him (Form H.) to pay to such Managers, or to any Person authorized by them from Time to Time to receive it, a weekly Sum not exceeding Three Shillings, until the Child attains the Age of
35 Fifteen Years, or is lawfully discharged; and on default of Payment for the Space of Fourteen Days the like Proceedings may be taken for enforcing and recovering the same as are herein-after provided for the enforcing and recovering of any Penalty or Forfeiture imposed by this Act.

On Application of Manager, the Parent may be summoned, and ordered to pay according to his Ability.

40 XVII. The Parent or the Managers may at any Time apply to any Justices of the County in which the Certified Industrial School is situate, or in which the Parent is residing, for an Order to diminish

Parents Payment may be diminished or increased

the Amount of the weekly Sum payable by the Parent, or to increase it to an Amount not exceeding Three Shillings per Week; and the Justices, on Proof that the Parent or the Managers have given to each other (as the Case may be) not less than One Week's Notice in Writing of the intended Application, and of the Time and Place of hearing the same, shall make full Inquiry into the Matter, and may diminish or increase the Amount of the weekly Sum payable by the Parent, as they think fit, or may release him from such Payment altogether (Forms I. and K.)

Managers
may permit
Children to
sleep out of
School.

XVIII. The Managers may, at their Discretion, permit any Child to sleep or lodge at the Dwelling of his Parent, or of any trustworthy and respectable Person, and may also, at their Discretion, revoke such Permission; provided always, that they shall continue to board and feed the Child in all respects as if he were lodging in the Certified Industrial School.

15

Children ab-
sconding, &c.
may be sent
back to the
School.

XIX. If any Child, whether lodging in the School or elsewhere, before attaining the Age of Fifteen Years, or being duly discharged, wilfully absconds from the School, or neglects his Attendance thereat, any Justice of the County in which the Certified Industrial School is situate, or in which the Child is re-taken, may, by Writing under his Hand and Seal, order him to be sent back to the School, and to be detained there until he attains the Age of Fifteen Years, or for such shorter Period as the Justices think fit.

Penalties on
Persons in-
ducing Chil-
dren to
abscond, &c.
or harbour-
ing them.

XX. Any Person who directly or indirectly withdraws a Child from the Certified Industrial School to which he has been sent, or induces him to abscond therefrom, previous to his attaining the Age of Fifteen Years, or being duly discharged, or who knowingly conceals or harbours him, or in any way prevents his Return, shall for every such Offence be liable in a Penalty not exceeding Two Pounds, to be recovered by summary Proceedings before Two Justices in or near the Place where the Offence is committed, or where the Offender may at the Time being happen to be, in manner provided by the Act of the Session holden in the Eleventh and Twelfth Years of Her Majesty, Chapter Forty-three.

Service of
Notices.

XXI. The leaving of any Summons or Notice or Order authorized to be issued or made by any Justices under this Act at the usual or last known Place of Abode of the Party to whom the same respectively is directed shall in every Case be deemed a good and sufficient Service thereof; provided always, that in any Case where the Parent, or in case of an Orphan, where the Guardian or nearest adult Relative, is ascertained to be residing at a greater Distance than Seven Miles from the Place where the Child was taken into Custody, any such Summons, Notice, or Order may be addressed as aforesaid,

aforesaid, and sent by the Post, and such Posting shall be deemed a good and sufficient Service thereof.

XXII. The Guardians of any Union or any Parish wherein the Relief to the Poor is administered by a Board of Guardians may, if they deem proper, with Consent of the Poor Law Board, contract with the Managers of any Certified Industrial School for the Maintenance and Education of any Pauper Child.

CLAUSE A.
Guardians
may contract with
Managers.

XXIII. Whenever it shall be necessary to prove that any Industrial School is duly certified or sanctioned under this Act, the Production of an attested Copy of the Certificate shall be sufficient Evidence thereof; and the Production of an original Duplicate of the Order under which any Child has been sent to or is detained in any Certified Industrial School under this Act, or a Copy of such Order with a Memorandum signed by the Manager or Superintendent, or Master or Matron of any such School, that the young Person named in such Order was duly received into and is at the signing thereof detained in such School, or has been otherwise disposed of according to Law, and the Production of an original Duplicate of any Order made upon the Parent under this Act, or a Copy thereof certified by the Clerk to the Justices making the same to be a correct Copy, shall in all Proceedings whatsoever be sufficient Evidence of the due making and signing of all or any of such Orders, Memorandum, and Certificate respectively, and of the sending, Detention, and Identity of the Child or Parent named in such Orders respectively, without Proof of the Signatures or official Characters of the Justices or other Persons appearing to have signed the same respectively.

CLAUSE B.
What is
sufficient
Evidence as
to Certificate
of School,
Identity of
Child, and
making of
Orders.

XXIV. Whenever the Committee of Her Majesty's Privy Council on Education shall at any Time grant a Certificate under this Act to any Industrial School, they shall within One Calendar Month cause a Notice thereof to be published in the London Gazette, and such Publication shall be a sufficient Evidence of the Fact of such Industrial School having been certified to justify any Justices to commit any Child thereto, subject to the Provisions of this Act; and whenever the Committee shall withdraw the Certificate granted to any Industrial School, they shall within One Calendar Month give Notice of such Withdrawal in the said Gazette.

CLAUSE C.
Committee
of Education
to give
Notice of
certified
Schools.

XXV. The several Forms in the Schedule to this Act annexed, or any Forms to the like Effect, shall in all Cases be sufficient; provided always, that any Summons, Notice, or Order shall not be invalidated for Want of Form only.

Forms in
Schedule
may be used.

XXVI. This Act shall not extend to Ireland or Scotland.

Act not to
extend to
Ireland or
Scotland.

SCHEDULES.

(A.)

Notice by Police to Parent, &c. of Child being in Custody, &c.

To *C.B.* of the Parish of _____ in the County
of _____ :

I HEREBY give you Notice, pursuant to Section 5 of the "Industrial Schools Act, 1857," that a Child named *A.B.*, apparently about _____ Years of Age, the Son of [*or* who has been residing with] you the said *C.B.*, has been taken into Custody for having been on the _____ Day of _____ in the Parish of _____ in the said County of _____ found [*in the Words of the Local or General Act*], and that the Matter will be inquired into on _____ the _____ Day of _____, at _____ o'Clock in the Forenoon, at _____, before such Justices of the Peace for the said County as may then be there, who may make such Order on you the said *C.B.*, to be dealt with according to the said Act, as they may think fit; the said *A.B.* is in the meantime detained in the at _____, by the Order of a Justice of the Peace.

Dated this _____ Day of _____ 185 .

M.N. { Constable, Inspector, *or* Superintendent of Police of _____ .

(B.)

Form of Assurance of Parent for good Behaviour of Child.

Whereas a Child named *A.B.*, the Son of *C.D.*, has been proved a Vagrant; I *C.D.* hereby undertake to be responsible for the good Behaviour of the said Child for the Period of _____ Months from the Day of the Date thereof.

Order sending Child to Industrial School.

WHEREAS a certain Child named A.B., about Years of Age, was this Day brought before us, Two of Her Majesty's Justices of the Peace for the County of , for that he, on the Day of , at , was found in the Act of Vagrancy [*or, as the Case may be in Section 5.*]: And whereas we have made full Inquiry into the Matter, pursuant to the "Industrial Schools Act, 1857," and no satisfactory Assurance has been given for the future proper Care and good Behaviour of the said Child: Now therefore we, the said Justices, do, pursuant to Section 7. of the said Act, order you, the said Constable, to take the said Child, and him safely convey to the Certified Industrial School at aforesaid, and there to deliver him, together with this Order; and we do hereby command you the said Managers (it appearing to us that you are willing to receive him therein) to receive the said Child into your Charge in the said School, and there to detain, educate, and train him for the Period of from the Date hereof.

Given under our Hands and Seals this Day of
at in the *County* aforesaid.
[*Signatures and Seals of Justices.*]

(D.)

Second Order changing School.

To the Managers of the _____ Certified Industrial School
at _____ and to the Managers of the
Certified Industrial School at _____ :

WHEREAS a certain Child named *A.B.*, about Years of Age, was on the Day of , by the Order of , Two of Her Majesty's Justices of the Peace for the County of , pursuant to the "Industrial Schools Act, 1857," taken to the Certified Industrial School at , there to be detained for the Period of from the said Day of , and he is now detained therein [if so]: And whereas *C.B.*, according to the Provisions of the said Act

[130.] B 2 Act

Act entitled to object has objected to the said School, and has proposed the _____ Certified Industrial School at _____, and proved to me the undersigned, One of Her Majesty's Justices of the Peace for the *County* of _____, where the Child was taken into Custody, that the Managers of the _____ Certified Industrial School at _____ are willing to receive the said Child, and the said Parent has also complied with the other Conditions of Section 9. of the said Act: These are therefore, pursuant to Section 9. of the said Act, to order you the said Managers of the _____ Certified Industrial School at _____ to deliver up the said Child forthwith to the _____ Certified Industrial School at _____; and you the said Managers of the said last-mentioned School are hereby required to receive the said Child into your Charge in the said School, and there to detain, educate, and train him for the Period of _____ from the _____ Day of _____.

Given under my Hand and Seal this _____ Day of _____, at _____ in the *County* aforesaid.
J.S. (L.S.)

(E.)

Order for Discharge of Child on Employment being found for him.

To the Managers of the _____ Certified Industrial School at _____:

WHEREAS a certain Child named *A.B.*, about _____ Years of Age, was on the _____ Day of _____, by the Order of _____ Two of Her Majesty's Justices of the Peace for the *County* of _____, made pursuant to the "Industrial Schools Act, 1857," taken to the _____ Certified Industrial School at _____, there to be detained for the Period of _____ from the said _____ Day of _____ and he is now detained therein:* And whereas it appears to us, Two of Her Majesty's Justices of the Peace for the *County* of _____ in which the School is situate, or in which the Parent or Guardian or nearest Adult Relative of the said Child resides, that suitable Employment in Life has been provided for the said Child [*or there appears to us, &c. sufficient Cause for the Discharge of the said Child*]: These are therefore, pursuant to Section 11. of the said Act, to command you, the said Managers, forthwith to discharge the said Child and to deliver him into the Charge of _____, who brings this Order.

Given under our Hands and Seals this _____ Day of _____, at _____ in the *County* aforesaid.

[*Signatures and Seals of Justices.*]

(F.)

Order changing School on Assurance being given for future good Behaviour.

To the Managers of the Certified Industrial School
at , and to the Managers of the
Certified Industrial School at .

[*Proceed to the Asterisk * in the Form (E.), and then say*]: And whereas it appears to us desirable that the said Child should be removed from the said Certified Industrial School to the said Certified Industrial School (the Managers of which said last-mentioned School being willing to receive the said Child therein): These are therefore, pursuant to Section 11. of the said Act, to order you the said Managers of the Certified Industrial School at to deliver up the said Child forthwith to the Certified Industrial School, or to any Person authorized by them to receive the Child, at ; and you the said Managers of the said last-mentioned School are hereby required to receive the said Child into your Charge in the said School, and there to detain, educate, and train him for the Period of from the Day of .

Given under our Hands and Seals this Day of
 , at in the *County* aforesaid.

[*Justices Signatures and Seals.*]

(G.)

Order for Discharge of Child on Security given for future good Behaviour.

[*Proceed to the Asterisk * in the Form (E.), and then say*]: And whereas good Security has been found before us, Two of Her Majesty's Justices of the Peace for the *County* of , in which the School is situate, or in which the Parent or Guardian or nearest adult Relative of the said Child resides, for the future good Behaviour of the said Child*: These are therefore, pursuant to Section 11. of the said Act, to command you, the said Managers, forthwith to discharge the said Child, and to deliver him into the Charge of , who brings this Order.

Given under our Hands and Seals this Day of ,
at in the *County* aforesaid.

[*Signatures and Seals of Justices.*]

(H.)

*Order on Parent to pay weekly Sum to Managers of School.*To *C.B.* of _____ in the County of _____, Carpenter :

BE it remembered, That on this _____ Day of _____ in the Year of our Lord 185____, at _____ in the County of _____ a certain Complaint of *E.F.*, One of the Managers of the Certified Industrial School at _____, made under Section 14, of the "Industrial Schools Act, 1857," for that by a certain Order of Justices bearing Date the _____ Day of _____, a certain Child named *A.B.*, of the Age of _____ Years, was sent to and is now detained in the said Certified Industrial School pursuant to the said Act, and that the said Child is the Son of the said *C.B.* [*or was, at the Time of his Removal to the said School, residing with the said C.B.*], was duly heard by and before us, the undersigned, Two of Her Majesty's Justices of the Peace in and for the said County of _____, (wherein the said School is situate, *or wherein the said C.B. is residing,*) in the Presence and Hearing of the said *C.B.* [*if so, or the said C.B. not appearing to the Summons duly issued and served in this Behalf*]; and we, having duly examined into the Circumstances of the said *C.B.*, do, pursuant to Section 14. of the said Act, order the said *C.B.*, weekly and every Week from the _____ Day of _____, to pay to the Managers of the said Certified Industrial School, or to such Person as the said Managers may from Time to Time authorize to receive the same, the Sum of _____ Shillings for the Maintenance, Clothing, Education, Care, and Training of the said Child, until the said Child shall attain the Age of Fifteen Years, or shall be lawfully discharged from the said School.

Given under our Hands and Seals this _____ Day of _____, at _____ in the County aforesaid.

[*Justices Signatures and Seals.*]

(I.)

Order diminishing or increasing weekly Payment by Parent.

To *C.B.* of _____, and to the Managers of the
Certified Industrial School at _____ :

WHEREAS by a certain Order of [us, the undersigned, *if so,*] Two of Her Majesty's Justices of the Peace for the *County* of _____, made on the _____ Day of _____, pursuant to Section 14. of the "Industrial Schools Act, 1857," [we,] the said Justices, ordered that you, the said *C.B.*, should weekly and every Week pay to the Managers of the said School the Sum of _____ for the Maintenance, Clothing, Education, Care, and Training of a certain Child named *A.B.* (who is the Son of [or who had been residing with] you, the said *C.B.*, and who had been theretofore duly sent to and was then and now is detained in the said Certified Industrial School for the Period therein mentioned*: Now therefore we, the said Justices, seeing Cause to diminish [*or increase*] the Amount of the said weekly Payment, do order, pursuant to Section 15. of the said Act, that the said weekly Payment to be made by you the said *C.B.* to you the said Managers shall, from the _____ Day of _____, be the Sum of _____ per Week, and no more.

Given under our Hands and Seals this _____ Day of _____,
at _____ in the *County* aforesaid.

[*Justices Signatures and Seals.*]

(K.)

Order releasing Parent from Payment altogether.

[*Proceed as in Form (I.) to the Asterisk*, and then say:*] Now therefore we, the said Justices, seeing Cause to release the said *C.B.* from the said weekly Payment altogether, do order, pursuant to Section 15. of the said Act, that you, the said *C.B.*, shall be released altogether from the Payment of the aforesaid weekly Sum to the said Managers from the _____ Day of _____

Given under our Hands and Seals this _____ Day of _____
at _____ in the *County* aforesaid.

Industrial Schools.

A

B I L L

[AS AMENDED IN COMMITTEE ON RE-COMMITMENT
AND ON CONSIDERATION OF BILL AS AMENDED]

To make better Provision for the Care
and Education of vagrant, destitute,
and disorderly Children, and for the
Extension of Industrial Schools.

(Prepared and brought in by
Mr. Addeley, Mr. Liddell, Mr. Muntz, and
Mr. Headlam.)

Ordered, by The House of Commons, to be Printed,
16 July 1857.

[Bill 180.]

Under 2 oz.

LORDS AMENDMENTS

TO THE

INDUSTRIAL SCHOOLS BILL.

Note.—The Page and Line refer to the Bill (124.) as first printed by the Lords.

Page 2.

Line 17. Leave out from ("quashed") to ("County") in Line 21.

Page 3.

Line 17. After ("or") insert ("if the Parent (or where the Child is an Orphan then the Guardian or nearest adult Relative,) be found, may on Conviction of such Child on such Charge as aforesaid deliver him up to his Parent (or where the Child is an Orphan to the Guardian or nearest adult Relative as aforesaid,) on his giving an Assurance in Writing (Form B.) that he will be responsible for the good Behaviour of the Child for any Period not exceeding Twelve Months, and in default of such Assurance being given")

Leave out Clause 7.

Page 5.

Line 24. Leave out ("Child") and insert ("Person")

Page 6.

Line 39. Leave out from ("thereof") to the End of the Clause.

Page 9.

Line 13. Leave out ("7") and insert ("6")

Page 10.

Line 8. Leave out ("10") and insert ("9")

Line 9. Leave out ("10") and insert ("9")

Line 37. Leave out ("11") and insert ("12")

Page 11.

Line 12. Leave out ("11") and insert ("12")

Line 32. Leave out ("11") and insert ("13")

LORDS AMENDMENTS

TO THE

INDUSTRIAL SCHOOLS

BILL.

*Ordered, by The House of Commons, to be Printed,
10 August 1857.*

[Bill 183.]

Under 1 oz.

Insurance Companies.

ARRANGEMENT OF CLAUSES.

Preamble.

1. Short Title of Act.
-

PART I.

EXISTING INSURANCE COMPANIES.

Registration.

2. Repeal of Section 2 of principal Act.
 3. Compulsory Registration of certain Insurance Companies.
 4. Permissive Registration of other Insurance Companies.
 5. Provision as to mixed Company.
 6. Penalty on Company not registering.
 7. Condition precedent to Registration with Limited Liability.
 8. Power of Board of Trade in certain Instances to modify Provisions with respect to existing Companies.
 9. Registration under Joint Stock Companies Act not to affect Obligations incurred previously to Registration.
 10. Saving of Liabilities of Persons holding Shares before Registration under Joint Stock Companies Act.
 11. Continuation of existing Actions and Suits.
-

PART II.

FORMATION OF NEW INSURANCE COMPANIES.

12. New Insurance Companies.
-

PART III.

REGULATIONS APPLICABLE TO EXISTING AND FUTURE LIFE INSURANCE COMPANIES.

13. Account to be made by Life Insurance Companies.
 14. Copies of Accounts to be sent to every Shareholder or Member.
 15. Penalty on Company making Default with respect to Accounts.
-

6 July 1857. 20 & 21 VICT.



A

B I L L

FOR

The Incorporation and Regulation of Insurance Companies.

WHEREAS by the Joint Stock Companies Acts, 1856, Preamble.
1857, Provision is made for the Incorporation and Regula-
tion of Companies that have a nominal Capital of fixed
Amount, divided into Shares, also of fixed Amount, and hereafter
5 called Proprietary Companies, but Companies formed for the Purposes
of Insurance are by the Second Section of the first of the said Acts
excluded from the Benefits thereof: And whereas by the Mutual
Companies Act, 1857, Provision is made for the Incorporation and
Regulation of Companies other than Proprietary Companies, and
10 herein-after called Mutual Companies, including Mutual Insurance
Companies: And whereas it is expedient that Provision should be
made for the Regulation of Insurance Companies formed previously
to the passing of this Act, and herein-after called Existing Insurance
Companies, and that Provision should also be made for the Incorpora-
15 tion and Regulation of Companies herein-after to be formed for the
Purposes of Insurance: Be it enacted by the Queen's most Excellent
Majesty, by and with the Advice and Consent of the Lords Spiritual
and Temporal, and Commons, in this present Parliament assembled,
and by the Authority of the same, as follows:

[Bill 107.]

A

I. This

Short Title
of Act.

I. This Act may be cited for all Purposes as "The Insurance Companies Act, 1857."

PART I.

EXISTING INSURANCE COMPANIES.

Registration.

5

Repeal of
s. 2. of Prin-
cipal Act.

II. The Second Section of the Joint Stock Companies Act, 1856, shall be repealed, so far as relates to Persons associated together for the Purposes of Insurance.

Compulsory
Registration
of certain
Insurance
Companies.

III. The following Companies, that is to say,

(1.) Every Company completely registered under an Act passed 10
in the Eighth Year of the Reign of Her present Majesty,
Chapter One hundred and ten, intituled "An Act for the
"Registration, Incorporation, and Regulation of Joint
"Stock Companies," and carrying on the Business of
Insurance, either alone or in common with other Business, 15
and

(2.) Every Company, however formed, existing at the Time of
the passing of this Act, consisting of more than *Twenty*
Members, carrying on the Business of Insurance on Lives,
either alone or in common with other Business, and not 20
being a Company formed under the Acts relating to
Friendly Societies,

shall, on or before the *First Day of January One thousand eight
hundred and fifty-eight*, if a Proprietary Company, register itself as
a Company under the Joint Stock Companies Acts, 1856, 1857, and if 25
a Mutual Company, register itself as a Mutual Company under the
Mutual Companies Act, 1857.

Permissive
Registration
of other
Insurance
Companies.

IV. Every Company existing at the Time of the passing of this
Act consisting of *Seven* or more Members carrying on the Business
of Insurance either alone or in common with other Business, and not 30
being a Company hereby required to be registered, may at any Time
hereafter, if a Proprietary Company, register itself as a Company
under the Joint Stock Companies Acts, 1856, 1857, and if a
Mutual Company, register itself as a Company under the Mutual
Companies Act, 1857. 35

Provision as
to mixed
Company.

V. Any existing Insurance Company, formed partly on the
Principle of a Proprietary Company and partly on that of a Mutual
Company, shall for the Purposes of this Act be deemed to be a
Proprietary Company.

VI. If

VI. If any Company hereby required to register under the Joint Stock Companies Acts, 1856, 1857, or under the Mutual Companies Act, 1857, makes default in registering on or before the said *First Day of January One thousand eight hundred and fifty-eight*, then, from and after such Day, until the Day on which such Company is so registered under the Joint Stock Companies Acts, 1856, 1857, or under the Mutual Companies Act, 1857, as the Case may require, the following Consequences shall ensue; (that is to say,)

Penalty on Company not registering.

(1.) The Company shall be incapable of suing either at Law or in Equity :

(2.) No Dividend shall be payable :

(3.) Each Director or Manager of the Company shall for each Day during which the Company is in default incur a Penalty of *Five Pounds*, and such Penalty may be recovered by any Person, whether a Shareholder or not in the Company, and be applied by him to his own Use :

Nevertheless such Default shall not render the Company so being in default illegal, nor subject it to any Penalty or Disability, other than as specified in this Section.

VII. No Insurance Company shall be registered as a Limited Company under the Joint Stock Companies Acts, 1856, 1857, unless an Assent to its being so registered has been given by at least *Three Fourths* in Number and Value of such of its Shareholders as may have been present, personally or by Proxy, in Cases where Proxies are allowed by the Regulations of the Company, at some General Meeting summoned for that Purpose.

Condition precedent to Registration with Limited Liability.

VIII. If any existing Insurance Company hereby required or authorized to be registered is, by reason of any special Circumstances attending its Constitution or Regulations, unable to comply with the Provisions of the Joint Stock Companies Acts, 1856, 1857, or, as the Case may be, of the Mutual Companies Act, 1857, relating to Registration, the Board of Trade may, on the Application of such Company, either dispense with its Compliance with any One or more of the Provisions of the said Acts relating to Registration, or it may, by any Writing under the Hands of One of its Secretaries, empower such Company to make such Alterations in its Constitution or Regulations as will enable it to comply with the Provisions of such Acts relating to Registration.

Power of Board of Trade, in certain Instances, to modify Provisions with respect to existing Companies.

IX. The Registration under the Joint Stock Companies Acts, 1856, 1857, or, as the Case may be, under the Mutual Companies Act, 1857, of any Company existing at the Time of the passing of this Act, and hereby required or authorized to be registered, shall

Registration under Joint Stock Companies Act not to affect Obligations

incurred
previously to
Registration.

not affect or prejudice any Debt or Obligation incurred, any Contract entered into, or any Matter or Thing done by, with, or on account of such Company previously to such Registration; and all such Debts, Obligations, Contracts, Matters, and Things shall be binding on the Company, when so registered, to the same Extent as 5 if such Registration had not taken place.

Saving of
Liabilities
of Persons
holding
Shares be-
fore Regis-
tration under
Joint Stock
Companies
Act.

X. Every Person who at or previously to the Date of the Registration under the Joint Stock Companies Acts, 1856, 1857, or, as the Case may be, under the Mutual Companies Act, 1857, of any Company hereby required or authorized to be registered, may have 10 held Shares in or been a Member of such Company, shall, in the event, of the same being wound up by the Court or voluntarily, be liable to contribute to the Assets of the Company the same Amount that he would, if this Act had not been passed, have been liable, at the Date of the Commencement of such Winding-up, to pay to the 15 Company, or for or on account of any Debt of the Company, in pursuance of any Action, Suit, Judgment, or other legal Proceeding that might, if this Act had not been passed, have been instituted or enforced against himself or the Company or the public Officer thereof. 20

Continua-
tion of exist-
ing Actions
and Suits.

XI. All such Actions, Suits, and other legal Proceedings as may, at the Time of the Registration under the Joint Stock Companies Acts, 1856, 1857, or, as the Case may be, under the Mutual Companies Act, 1857, of any Company hereby required or authorized to be registered, have been commenced by or against such Company 25 or the public Officer thereof, may be continued in the same Manner as if such Registration had not taken place, nevertheless Execution shall not issue against the Effects of any individual Shareholder in or Member of such Company upon any Judgment, Decree, or Order obtained against such Company or the public Officer thereof in any 30 Action, Suit, or Proceeding so commenced as aforesaid, but in the event of the Effects of the Company being insufficient to satisfy such Judgment, Decree, or Order, an Order may be obtained for winding up the Company, in manner directed by the Joint Stock Companies Acts, 1856, 1857, or, as the Case may be, by the Mutual Companies 35 Act, 1857.

PART II.

FORMATION OF NEW INSURANCE COMPANIES.

New
Insurance
Companies.

XII. *Seven* or more Persons associated for the Purpose of Insurance may, by complying with the Requisitions of the Joint Stock Companies 40 Acts,

Acts, 1856, 1857, in respect of Registration, form themselves into a Proprietary Company, with or without Limited Liability, or they may, by complying with the Provisions of the Mutual Companies Act, 1857, form themselves into a Mutual Company.

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PART III.

REGULATIONS APPLICABLE TO EXISTING AND FUTURE LIFE INSURANCE COMPANIES.

XIII. Every existing or future Company carrying on the Business of Insurance on Lives, and not being a Company formed under the Acts relating to Friendly Societies, shall, once at the least in every Year, cause an Account to be made specifying the following Particulars:

Account to
be made
by Life
Insurance
Companies.

- 15 (1.) The Amount of Premiums received during the Year for Insurances, stating what Amount, if any, has been paid away or become due during the Year as Premiums for Re-assurance with any other Company or Companies, and also the Net Amount received during the Year as the Consideration for granted Annuities:
- 20 (2.) The Amount of Claims paid during the Year, and also the Amount of Claims that may have been known to have arisen during the Year, but which remained unpaid at the End of it, and the like Account for paid or due Annuities:
- 25 (3.) The Gross Amount of Expenses of every Kind paid during the Year for Management, or which, being known, remained unpaid at the End of it:
- 30 (4.) In the case of a Proprietary Company, the Amount of the nominal Capital of the Company, and the Shares into which it is divided, the Amount of Calls made, the Amount of Calls received, the Amount of Calls unpaid, and the Amount of Shares forfeited:
- (5.) The Amount of all Sums due from the Company, distinguishing Loans from other Debts:
- (6.) A Statement of all the Capital possessed by the Company, distinguishing—
 - 35 (a) Amount of Cash:
 - (b) The Cost Price of all the Government Securities held:
 - (c) The Amount actually advanced by way of Mortgage on Real Estates:
 - 40 (d) The Amount actually invested in any other Description of Securities, specifying their Nature, and the Amount invested in each Class of Security:
 - (e) The Rate of Interest receivable on each Class of Security:

[107.]

A 3

(f) The

- (f) The Amount of Investment on which Interest was in arrear at the End of the Year, distinguishing the Classes of Securities to which the Arrears respectively apply :

And there shall also be made up at the Expiration of every Period of *Five* Years, the First of such Periods to commence in the Case of existing Companies at such Time, not exceeding *Five* Years from the Date of their Registration, as they may signify to the Registrar at the Time of Registration to be convenient, and in the Case of future Companies to commence at the Date of their Registration, an Account specifying the following Matters ; that is to say,

- (1.) The Gross Sum assured on Lives up to the Day when the Account is closed, distinguishing the Gross Sum assured on Lives in each Decade of Life, from the youngest to the oldest Ages : 15
- (2.) The Net Amount of Annual Premiums receivable in respect of Assurances mentioned under the last Head :
- (3.) The Gross Amount, if any, of Annuities payable on Lives, distinguishing the Sums payable on Lives in each Decade of Age : 20
- (4.) The Net Amount of annual or other Premiums, if any, receivable in respect of the Amounts mentioned under the last-mentioned Head :
- (5.) A Statement of any other Classes of Liabilities or Engagements to which the Company may be subject, specifying 25 their Nature and Amount :

The Accounts required to be given by this Section shall be signed by all the Directors or Managers of the Company, if the Directors or Managers are not more in Number than *Three*, but if they are more, then by *Three* at the least of such Directors or Managers ; and such Signature shall have the same Effect, and expose the Person making the same to the same Penalties, in the event of any Matter in the Account being false, as if he had verified such Account by a Declaration made in pursuance of the Act passed in the Sixth Year of the Reign of His late Majesty King William the Fourth, Chapter Sixty-two. There shall be appended to the Accounts hereby required to be given at the Expiration of every Period of *Five* Years a Statement of the Rate of Interest used in calculating the Premiums ; also a Statement of what Table of Mortality is adopted by the Company. 40

Copies of Accounts to be sent to every Shareholder or Member.

XIV. The Accounts hereby required to be given shall be printed. Copies shall be sent to every Shareholder or Member, and to the Registrar of Joint Stock Companies, whose Duty it shall be to register the Copies so sent.

XV. If

XV. If any Insurance Company makes default in preparing such Accounts as aforesaid, each Director or Manager of the Company, or if there are no Directors or Managers the Company itself, shall be liable to a Penalty not exceeding *Five Pounds* for every Day during which such Default continues ; and if any Company makes default in sending 5 Copies of such Accounts to the Registrar, each Director or Manager, or if there are no Directors or Managers the Company itself, shall be liable to any Penalty not exceeding *Five Pounds* for every Day during which such Default continues.

Penalty on
Company
making
default with
respect to
Accounts.

Insurance Companies.

A

BILL

For the Incorporation and Regulation of
Insurance Companies.

(Prepared and brought in by
Mr. Wilson, the Chancellor of the Exchequer, and
Mr. Lowe.)

*Ordered, by The House of Commons, to be Printed,
6 July 1857.*

[Bill 107.]

Under 2 oz.

Insurance Companies Bill.

243

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Sect.		Corresponding Sections in Joint Stock Companies Acts, 1856, 1857.
	Preamble.	
1.	Short Title of Act - - - - -	
2.	Definition of Proprietary and Mutual Company - - - - -	
3.	Definition of Registrar - - - - -	
4.	Prohibition of Insurance Partnerships ex- ceeding a certain Number - - - - -	20 Vict. c. 47. s. 4.

PART I.

EXISTING INSURANCE COMPANIES.

Registration.

5.	Compulsory Registration of certain Insurance Companies - - - - -	
6.	Penalty on Company not registering - - - - -	21 Vict. c. 14. s. 28.
7.	Permissive Registration of other Insurance Companies - - - - -	21 Vict. c. 14. s. 29.
8.	Requisitions for Registration by existing Pro- prietary Companies - - - - -	20 Vict. c. 47. s. 111.
9.	Requisitions for Registration by existing Mutual Companies - - - - -	
10.	Power for existing Company to register Amount of Stock instead of Shares - - - - -	21 Vict. c. 14. s. 30.
11.	Authentication of Statements of existing Companies - - - - -	20 Vict. c. 47. s. 112.
12.	Certificate of Registration of existing Com- panies - - - - -	20 Vict. c. 47. s. 113.
13.	Certificate to be Evidence of Compliance with Act - - - - -	20 Vict. c. 47. s. 115.
14.	Power of Board of Trade, in certain Instances, to modify Provisions with respect to exist- ing Companies - - - - -	
15.	Effect of Registration on Deeds, &c. of Company - - - - -	
16.	Provisions of 11 Vict. c. 45., 12 & 13 Vict. c. 108., 7 & 8 Vict. c. 111., and 8 & 9 Vict. c. 98. not to apply to Companies registered under Act - - - - -	20 Vict. c. 47. s. 108.
17.	Registration under this Act not to affect Obli- gations incurred previously to Registration	
18.	Saving of Liabilities of Persons who were Members before Registration under Act - - - - -	
19.	Continuation of existing Actions and Suits	
20.	Transfer of Trust Property to Company - - - - -	

[Bill 159.]

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PART

Sect.

PART II.

CONSTITUTION AND INCORPORATION OF FUTURE INSURANCE COMPANIES

Registry.

21. Company formed by Memorandum of Association and Registration - - -	20 Vict. c. 47. s. 3.
22. Matters required to be prescribed by Memorandum of Association of a Proprietary Company - - -	20 Vict. c. 47. s. 5.
23. Matters required to be prescribed by Memorandum of Association of Mutual Company	
24. Prohibition against Identity of Names in registered Companies - - -	20 Vict. c. 47. s. 6.
25. Form of Memorandum of Association - - -	20 Vict. c. 47. s. 7.
26. Shares to be taken by Subscribers of Memorandum of Association - - -	20 Vict. c. 47. s. 8.
27. Regulations to be prescribed by Articles of Association - - -	20 Vict. c. 47. s. 9.
28. Stamp on Memorandum of Association and Articles of Association - - -	20 Vict. c. 47. s. 11.
29. Registration of Memorandum of Association and Articles of Association - - -	20 Vict. c. 47. s. 12.
30. Effect of Registration - - -	10 Vict. c. 47. s. 13.
31. Issue of Shares by Proprietary Company -	20 Vict. c. 47. s. 15.

PART III.

REGISTER OF MEMBERS.

32. Register of Members of Proprietary Company	20 Vict. c. 47. s. 16.
33. Annual List of Members of Proprietary Company - - -	20 Vict. c. 47. s. 17.
34. Penalty on Proprietary Company not keeping proper Register - - -	20 Vict. c. 47. s. 18.
35. Register of Members of Mutual Company -	
36. Penalty on Mutual Company not keeping proper Register - - -	20 Vict. c. 47. s. 18.
37. Notice of Trust not entered on Register -	20 Vict. c. 47. s. 19.
38. Restrictive Definition of Member - - -	20 Vict. c. 47. s. 19.
39. Transfer of Shares in Proprietary Company	20 Vict. c. 47. s. 20.
40. Inspection of Register - - -	20 Vict. c. 47. s. 23.
41. Power to close Register - - -	20 Vict. c. 47. s. 24.
42. Remedy for improper Entry or Omission of Entry on Register - - -	20 Vict. c. 47. s. 95.
43. Register to be Evidence - - -	20 Vict. c. 47. s. 26.
44. Copies of Memorandum and Articles of Association to be given to Shareholders -	20 Vict. c. 47. s. 27.

PART

Sect.

PART IV.

MANAGEMENT AND ADMINISTRATION OF COMPANIES.

General.

45. Registered Office of Company	20 Vict. c. 47. s. 28.
46. Notice of Situation of registered Office	20 Vict. c. 47. s. 29.
47. General Meeting of Company	20 Vict. c. 47. s. 32.
48. Power of Company to alter Regulations by Special Resolution	20 Vict. c. 47. s. 33.
49. Definition of Special Resolution of Proprie- tary Company	20 Vict. c. 47. s. 34.
50. Definition of Special Resolution of Mutual Company	
51. Registry of Special Resolution	12 Vict. c. 47. s. 35.
52. Copies of Special Resolutions	20 Vict. c. 47. s. 36.
53. Notice to Registrar of Increase of Capital in Proprietary Company and of Number in Mutual Company	20 Vict. c. 47. s. 37.
54. Prohibition against carrying on Business with less than Seven Members	20 Vict. c. 47. s. 39.
55. Evidence of Proceedings at Meetings	20 Vict. c. 47. s. 40.

Legal Instruments of Company.

56. Contracts how made	20 Vict. c. 47. s. 41.
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Deeds.

57. Execution of Deeds abroad	20 Vict. c. 47. s. 42.
58. Mortgages according to English Law	20 Vict. c. 47. s. 44.
59. Bond and Disposition in Security according to Scotch Law	20 Vict. c. 47. s. 45.
60. Conveyances according to English Law	20 Vict. c. 47. s. 46.
61. Disposition in Security according to Scotch Law	20 Vict. c. 47. s. 47.

Examination of Affairs of Company.

62. Examination of Affairs of Company by In- spectors appointed by the Board of Trade	20 Vict. c. 47. s. 48.
63. Power of Inspectors	20 Vict. c. 47. s. 49.
64. Result of Examination how dealt with	20 Vict. c. 47. s. 50.
65. Power of Company to appoint Inspectors	20 Vict. c. 47. s. 51.
66. Report of Inspectors to be Evidence	20 Vict. c. 47. s. 52.

Notices.

67. Services of Notices on Company	20 Vict. c. 47. s. 53.
68. Rule as to Notices by Letter	20 Vict. c. 47. s. 54.
69. Authentication of Notices of Company	20 Vict. c. 47. s. 55.

Legal Proceedings.

70. Recovery of Penalties	20 Vict. c. 47. s. 56.
71. Application of Penalties.	20 Vict. c. 47. s. 57.

Alteration of Forms.

72. Board of Trade may alter Forms in Schedule	20 Vict. c. 47. s. 58.
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Sect.

PART V.

WINDING-UP.

Preliminary.

73. Application of Part V. of Act - - -	20 Vict. c. 47. s. 59.
74. Definition of "the Court" - - -	20 Vict. c. 47. s. 60.
75. Liabilities of Members of Company to general Creditor - - -	20 Vict. c. 47. s. 61.
76. Liabilities of Members of Company between themselves - - -	
77. Proviso for Special Contract - - -	20 Vict. c. 47. s. 66.
78. Commencement of Winding-up of Company defined - - -	20 Vict. c. 47. s. 64.
79. Definition of "Contributory," and legal Character of his Liability - - -	20 Vict. c. 47. s. 65.

Winding-up by Court.

80. Circumstances under which Company may be wound up by Court - - -	20 Vict. c. 47. s. 67.
81. Company when deemed unable to pay its Debts - - -	20 Vict. c. 47. s. 68.
82. Application for Winding-up to be by Petition	20 Vict. c. 47. s. 69.
83. Course to be pursued by Court on Petition of a Creditor - - -	20 Vict. c. 47. s. 70.
84. Order for winding up Company on Cre- ditor's Petition - - -	20 Vict. c. 47. s. 71.
85. Course to be pursued by Court on Petition of Contributory - - -	20 Vict. c. 47. s. 72.
86. Effect of the Order for winding up Company	20 Vict. c. 47. s. 73.
87. Power of Court of Chancery to transmit Winding-up to Court of Bankruptcy - -	20 Vict. c. 47. s. 74.
88. Collection and Application of Assets - -	20 Vict. c. 47. s. 75.
89. Fraudulent Preference - - -	20 Vict. c. 47. s. 76.
90. Power of Court to summon Persons sus- pected of having Property of Company -	20 Vict. c. 47. s. 77.
91. Examination of Parties by Court - - -	20 Vict. c. 47. s. 78.
92. Penalty on Falsification of Books - -	20 Vict. c. 47. s. 79.
93. Attachments, Sequestrations, and Execu- tions within Three Months of Petition to be void - - -	20 Vict. c. 47. s. 80.
94. Power to arrest Member about to abscond, or to remove or conceal any of his Property	21 Vict. c. 14. s. 11.
95. Arrested Member may apply to Court for his Discharge - - -	21 Vict. c. 14. s. 12.
96. Calls on Contributory to be Speciality Debts	21 Vict. c. 14. s. 13.
97. Books of Company to be Evidence - -	20 Vict. c. 47. s. 81.
98. Power of Court to make Calls - - -	20 Vict. c. 47. s. 82.
99. Payment of Money into the Bank - -	20 Vict. c. 47. s. 83.
100. Power of Court to grant Injunction or In- terdict - - -	20 Vict. c. 47. s. 84.
101. Power of Court to stay Proceedings - -	20 Vict. c. 47. s. 85.
102. Power of Court to adjust Rights of Contri- butories - - -	20 Vict. c. 47. s. 86.
103. Power of Court to order Costs - - -	20 Vict. c. 47. s. 87.

Official

Corresponding Sections in
Joint Stock Companies
Acts, 1856, 1857.

Sect.

Official Liquidators.

104. Appointment of Official Liquidators	-	20 Vict. c. 47. s. 88.
105. Proviso as to Appointment of Liquidators by Courts	-	21 Vict. c. 14. s. 14.
106. Style and Duties of Official Liquidators	-	20 Vict. c. 47. s. 89.
107. Powers of Official Liquidators.	-	20 Vict. c. 47. s. 90.
108. Appointment of Solicitor to Official Liquidators	-	20 Vict. c. 47. s. 91.
109. Remuneration of Official Liquidators	-	20 Vict. c. 47. s. 92.
110. Dissolution of Company	-	20 Vict. c. 47. s. 93.
111. Registrar to make Minute of Dissolution of Company	-	20 Vict. c. 47. s. 94.
112. Power of Lord Chancellor of Great Britain to make Rules	-	20 Vict. c. 47. s. 95.
113. Power of Lord Chancellor of Ireland to make Rules	-	20 Vict. c. 47. s. 96.
114. Power of Court of Session in Scotland to make Rules	-	20 Vict. c. 47. s. 97.
115. Rules with respect to Fees	-	20 Vict. c. 47. s. 100.

Voluntary Winding-up of Company.

116. Circumstances under which Company may be wound up voluntarily	-	20 Vict. c. 47. s. 102.
117. Notice of Resolution to wind up voluntarily	-	20 Vict. c. 47. s. 103.
118. Consequences of voluntary Winding-up	-	20 Vict. c. 47. s. 104.
119. Saving of Rights of Creditors	-	20 Vict. c. 47. s. 105.
120. Power for Liquidators to accept Shares, &c., as a Consideration for Sale of Property of Company	-	21 Vict. c. 14. s. 17.
121. Power of Liquidators to call General Meeting	-	21 Vict. c. 14. s. 18.
122. Power of Court to adopt Proceedings of voluntary Winding-up	-	21 Vict. c. 14. s. 19.
123. Penalty on Liquidators not reporting Disso- lution of Company to Registrar	-	21 Vict. c. 14. s. 20.
124. Remedy for Liquidators having in their Hands undistributed Assets of the Com- pany	-	21 Vict. c. 14. s. 21.

PART VI.

REGULATIONS APPLICABLE TO ALL LIFE INSURANCE COMPANIES.

125. Account to be rendered by Life Insurance Companies	-
126. Copies of Accounts to be sent to every Member	-
127. Penalty on Company making default with respect to Accounts	-

27 July 1857. 20 & 21 Vict.



A

B I L L

[AS AMENDED IN COMMITTEE]

FOR

The Incorporation and Regulation of Insurance Companies.

WHEREAS it is expedient that further Provision should be made for the Incorporation and Regulation of Insurance Companies: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the
5 Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. This Act may be cited for all Purposes as "The Insurance Companies Act, 1857," and shall apply only to Companies carrying on the Business of Insurance, either alone or in common with other
10 Business.

II. For the Purposes of this Act, a Proprietary Company shall mean a Company having a permanent nominal Capital of fixed Amount, divided into Shares, also of fixed Amount, and formed on the Principle of having for its Members the Holders of Shares in such
15 Capital: Every other Company shall be deemed to be a Mutual Company.

[Bill 159.]

A

III. Whenever

Definition of
Registrar.

III. Whenever any Act is herein directed to be done to or by the Registrar, such Act shall, until the Board of Trade otherwise directs, be done in England to or by the Registrar of Joint Stock Companies or in his Absence by the Assistant Registrar, in Scotland to or by the Registrar of Joint Stock Companies for Scotland, and in Ireland to or by the Assistant Registrar of Joint Stock Companies for Ireland; but, in the event of the Board of Trade altering the Constitution of the existing Registry Office for Joint Stock Companies, such Act shall be done to or by such Officer or Officers and at such Place or Places with reference to the local Situation of the registered Offices of the Companies to be registered as the Board of Trade may appoint. 5 10

Prohibition
of Insurance
Partnerships
exceeding a
certain
Number.

IV. After the passing of this Act not more than Twenty Persons shall, unless registered as a Company under this Act, form themselves into a Partnership for the Purpose of carrying on the Business of Insurance, or if so formed carry on such Business, either alone or in common with any other Business. 15

PART I.

EXISTING INSURANCE COMPANIES.

Registration.

20

Compulsory
Registration
of certain
Insurance
Companies.

V. Every Company completely registered under an Act passed in the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and ten, intituled "An Act for the Registration, Incorporation, and Regulation of Joint Stock Companies," and carrying on the Business of Insurance, either alone or in common with other Business, shall, on or before the First Day of January One thousand eight hundred and fifty-eight, register itself as a Company under this Act. 25

Penalty on
Company
not regis-
tering.

VI. If any Insurance Company completely registered under the said Act of the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and ten, makes default in registering under this Act on or before the said First Day of January One thousand eight hundred and fifty-eight, then, from and after such Day, until the Day on which such Company is registered under the Joint Stock Companies Acts, the following Consequences shall ensue; (that is to say,) 30 35

(1.) The Company shall be incapable of suing either at Law or in Equity, but shall not be incapable of being made a Defendant to a Suit either at Law or in Equity :

(2.) No

(2.) No Dividend shall be payable to any Shareholder in such Company :

(3.) Each Director or Manager of the Company shall for each Day during which the Company is in default incur a Penalty of Five Pounds, and such Penalty may be recovered by any Person, whether a Shareholder or not in the Company, and be applied by him to his own Use :

Nevertheless such Default shall not render the Company so being in default illegal, nor subject it to any Penalty or Disability, other than as specified in this Section.

VII. Every Company existing at the Time of the passing of this Act, consisting of Seven or more Members, carrying on the Business of Insurance, either alone or in common with other Business, and not being a Company hereby required to be registered, may at any Time hereafter register itself as a Company under this Act.

Permissive
Registration
of other
Insurance
Companies.

VIII. Previously to the Registration under this Act of any existing Proprietary Company, there shall be delivered to the Registrar the following Documents ; that is to say,

Requisitions
for Regis-
tration
by existing
Proprietary
Companies.

(1.) In case of a Company completely registered under the said Act of the Eighth Year of Her present Majesty, Chapter One hundred and ten, a List showing the Names, Addresses, and Occupations of all Persons who on a Day named in such List, and not being more than Three clear Days before the Day of Registration, were Members of such Company, with the Addition of the Shares held by such Persons respectively, distinguishing, in Cases where such Shares are numbered, each Share by its Number :

(2.) In the Case of any other Proprietary Company existing at the Time of the passing of this Act, and consisting of Seven or more Members, there shall be delivered to the Registrar such List of Members as herein-before mentioned, and also a Copy of any Act of Parliament, Royal Charter, Letters Patent, Deed of Settlement, or other Instrument constituting or regulating the Company.

IX. Previously to the Registration under this Act of any existing Mutual Company, there shall be delivered to the Registrar a List showing the Names, Addresses, and Occupations of the Directors or other Managers (if any) of the Company, also a Copy of any Act of Parliament, Letters Patent, Deed of Settlement, or other Instrument constituting or regulating the Company.

Requisitions
for Regis-
tration by
existing
Mutual
Companies.

X. Where an existing Proprietary Company, authorized to register under this Act, has had the whole or any Portion of its Capital

Power for
existing
Company to

register
Amount of
Stock in-
stead of
Shares.

converted into Stock, such Company shall, as to the Capital so converted, instead of delivering to the Registrar a Statement of Shares, deliver to the Registrar a Statement of the Amount of Stock belonging to the Company, and the Names of the Persons who were Holders of such Stock, on some Day to be named in the Statement, 5 not more than Three clear Days before the Day of Registration.

Authenti-
cation of
Statements
of existing
Companies.

XI. The Lists of Members and Directors and any other Particulars relating to the Company hereby required to be delivered to the Registrar shall be verified by a Declaration of the Directors of the Company delivering the same, or any Two of them, or of any Two 10 other principal Officers of the Company, made in pursuance of the Act passed in the Sixth Year of the Reign of His late Majesty King William the Fourth, Chapter Sixty-two; but no Fees shall be charged in respect of the Registration under this Act of any Company existing at the Time of the passing of this Act. 15

Certificate of
Registration
of existing
Companies.

XII. Upon Compliance with the foregoing Requisitions, the Registrar shall certify under his Hand that the Company so applying for Registration is incorporated as a Company under this Act, and thereupon such Company shall be incorporated, and shall have a perpetual Succession and a Common Seal, with Power to hold Lands, 20 but with such Liability on the Part of the Members to contribute to the Assets of the Company in the event of the same being wound up as is herein-after mentioned, and all Provisions contained in any Act of Parliament, Royal Charter, Letters Patent, Deed of Settlement, or other Instrument constituting or regulating the Company 25 shall be deemed to be Regulations of the Company within the Meaning of this Act.

Certificate to
be Evidence
of Com-
pliance with
Act.

XIII. The Certificate of Incorporation given to any existing Company, in pursuance of this Act, shall be conclusive Evidence that all the Requisitions herein contained in respect of Registration under 30 this Act have been complied with, and that the Company is an Insurance Company within the Meaning of this Act, and the Date of such Certificate shall be deemed to be the Date at which the Company is incorporated under this Act.

Power of
Board of
Trade, in
certain In-
stances, to
modify Pro-
visions with
respect to
existing
Companies.

XIV. If any existing Insurance Company hereby required or 35 authorized to be registered is, by reason of any special Circumstances attending its Constitution or Regulations, unable to comply with the Provisions of this Act relating to Registration, the Board of Trade may, on the Application of such Company, by any Writing under the Hand of One of its Secretaries, either dispense with its 40 Compliance with any One or more of the Provisions of this Act relating

relating to Registration, or it may empower such Company to make such Alterations in its Constitution or Regulations as will enable it to comply with the Provisions of this Act relating to Registration.

XV. Where any Insurance Company existing at the Time of the passing of this Act is registered under this Act, all such Provisions contained in any Act of Parliament, Royal Charter, Letters Patent, or Deed of Settlement constituting or regulating the Company, as are inconsistent with this Act, shall no longer apply to the Company so registered.

Effect of
Registration
on Deeds, &c.
of Company.

10 XVI. The following Acts, that is to say,

Provisions of
11 Viet. c. 45.,
12 & 13 Viet.
c. 108.,
7 & 8 Viet.
c. 111., and
8 & 9 Viet.
c. 98., not to
apply to
Companies
registered
under Act.

(1.) An Act passed in the Eleventh Year of the Reign of Her present Majesty, Chapter Forty-five, and intituled "An Act
" to amend the Acts for facilitating the Winding-up of the
" Affairs of Joint Stock Companies unable to meet their
15 " pecuniary Engagements, and also facilitate the Dissolu-
" tion and Winding-up of Joint Stock Companies and other
" Partnerships,"

(2.) An Act passed in the Thirteenth Year of the Reign of Her present Majesty, Chapter One hundred and eight, and intituled
20 " An Act to amend the Joint Stock Companies Winding-up
" Act, 1848,"

(3.) An Act passed in the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and eleven, and intituled
25 " An Act for facilitating the winding up the Affairs of
" Joint Stock Companies in Ireland unable to meet their
" pecuniary Engagements,"

(4.) An Act passed in the Ninth Year of the Reign of Her present Majesty, Chapter Ninety-eight, and intituled "An Act for
" facilitating the winding up the Affairs of Joint Stock
30 " Companies in Ireland unable to meet their pecuniary
" Engagements,"

Shall not apply to Companies registered under this Act.

XVII. The Registration under this Act of any Insurance Com-
pany existing at the Time of the passing of this Act shall not affect
35 or prejudice the Liability of such Company to have enforced against
it, or its Right to enforce, any Debt or Obligation incurred, or any
Contract entered into, by, to, with, or on behalf of such Company,
previously to such Registration, and all such Debts, Obligations, and
Contracts shall be binding on the Parties thereto, to the same
40 Extent as if such Registration had not taken place.

Registration
under this
Act not
to affect
Obligations
incurred
previously to
Registration.

aving of
liabilities
f Persons
ho were
Members be-
ore Regis-
ration under
Act.

XVIII. Every Person who at or previously to the Date of the Registration under this Act of any Insurance Company may have been a Member of such Company shall, in the event of the same being wound up by the Court or voluntarily, as herein-after provided, be liable to contribute to the Assets of the Company the same Amount 5 that he would if this Act had not been passed have been liable to pay to the Company, or for or on account of any Debt of the Company, in pursuance of any Action, Suit, Judgment, or other legal Proceeding that might, if this Act had not been passed, have been instituted or enforced against himself or the Company, or the 10 public Officer thereof.

Continua-
ion of exist-
ng Actions
und Suits.

XIX. All such Actions, Suits, and other legal Proceedings as may at the Time of the Registration under this Act of any Company have been commenced by or against such Company or the public Officer thereof may be continued in the same Manner as if such 15 Registration had not taken place; nevertheless Execution shall not issue against the Effects of any individual Member of such Company upon any Judgment, Decree, or Order obtained against such Company in any Action, Suit, or Proceeding so commenced as aforesaid; but, in the event of the Property and Effects of the Company being in- 20 sufficient to satisfy such Judgment, Decree, or Order, an Order may be obtained for winding up the Company in manner herein-after directed.

Transfer of
Trust Pro-
perty to
Company.

XX. All Real and Personal Property in England and Ireland, all Property, Heritable and Moveable, in Scotland, and all Deeds, Bonds, 25 Obligations, and Rights vested in any Person or Persons in trust for or on behalf of any Insurance Company at the Date of its Registration under this Act, shall immediately on Registration be transferred to the Company, as incorporated under this Act, for all the Estate and Interest of the Company therein, but so nevertheless that no 30 Merger shall take place of any Estates by reason of their Union in the Company under this Act, unless with the Assent of the Company, testified in Writing under their Common Seal.

PART II.

CONSTITUTION AND INCORPORATION OF FUTURE INSURANCE COMPANIES. 35

Registry.

Company
formed by
Memoran-
dum of

XXI. Seven or more Persons, associated for the Purpose of carrying on the Business of Insurance, either alone or in common with other Business, may, by subscribing their Names to a Memorandum of 428 Asso-

Association, and otherwise complying with the Requisitions of this Act in respect of Registration, form themselves into a Proprietary or Mutual Company. Association and Registration.

- XXII. The Memorandum of Association of a Proprietary Company shall contain the following Things; (that is to say,) Matters required to be prescribed by Memorandum of Association of a Proprietary Company.
1. The Name of the proposed Company :
 2. The Part of the United Kingdom, whether England, Scotland, or Ireland, in which the registered Office of the Company is proposed to be situate :
 3. The Objects for which the proposed Company is to be established :
 4. The Amount of the nominal Capital of the proposed Company :
 5. The Number of Shares into which such Capital is to be divided, and the Amount of each Share.

- XXIII. The Memorandum of Association of a Mutual Company shall contain the following Things; (that is to say,) Matters required to be prescribed by Memorandum of Association of Mutual Company.
- (1.) The Name of the proposed Company :
 - (2.) The Part of the United Kingdom, whether England, Scotland, or Ireland, in which the registered Office of the Company is proposed to be situate :
 - (3.) The Objects for which the proposed Company is to be established :
 - (4.) The proposed Number of Members, or, if the Number of Members is intended to be unlimited, a Statement to that Effect :
- But nothing herein contained shall prevent any Company carrying on Business, notwithstanding it may not have attained its proposed Number of Members, and any Company may in manner herein-after mentioned increase its Number of Members.

- XXIV. No Company shall be registered under a Name identical with that by which a subsisting Company is already registered, or so nearly resembling the same as to be calculated to deceive; and if any Company, through Inadvertence or otherwise, is registered by a Name identical with that by which a subsisting Company is registered, or so nearly resembling the same as to be calculated to deceive, such first-mentioned Company may, with the Sanction of the Registrar, change its Name, and upon such Change being made the Registrar shall enter the new Name on the Register in the Place of the former Name, but no such Alteration of Name shall affect any Rights or Obligations of the Company, or render defective any legal Proceedings instituted or to be instituted by or against the Company, and any legal Proceedings

may be continued or commenced against the Company by its new Name that might have been continued or commenced against the Company by its former Name.

Form of Memorandum of Association.

XXV. The Memorandum of Association of a Proprietary Company shall be in the Form marked A. in the Schedule hereto, and the Memorandum of Association of a Mutual Company shall be in the Form marked B. in the Schedule hereto, or as near thereto as Circumstances admit, and it shall, when registered, bind the Company and the Members thereof to the same Extent as if each Member had subscribed his Name and affixed his Seal thereto, or otherwise duly executed the same, and there were in such Memorandum contained, on the Part of himself, his Heirs, Executors, and Administrators, a Covenant to conform to all the Regulations of such Memorandum, subject to the Provisions of this Act. 5 10

Shares to be taken by Subscribers of Memorandum of Association of Proprietary Company.

XXVI. Every Subscriber of the Memorandum of Association of a Proprietary Company shall take One Share at the least in the Company: The Number of Shares taken by each Subscriber shall be set opposite his Name in such Memorandum of Association, and upon the Registration of the Company he shall be entered in the Register of Members herein-after mentioned as a Holder of the Shares subscribed for by him. 15 20

Regulations to be prescribed by Articles of Association.

XXVII. The Memorandum of Association shall be accompanied by Articles of Association signed by the Subscribers to the Memorandum of Association, and prescribing such Regulations for the Organization and Management of the Company, and for other Matters, as the Subscribers to the Memorandum of Association may deem expedient: Such Articles shall be expressed in separate Paragraphs, numbered arithmetically: They shall, when registered, bind the Company and the Members thereof to the same Extent as if each Member had subscribed his Name and affixed his Seal thereto, or otherwise duly executed the same, and there were in such Articles contained, on the Part of himself, his Heirs, Executors, and Administrators, a Covenant to conform to all the Regulations of such Articles, subject to the Provisions of this Act: Any Company may by its Articles of Association adopt all or any of the Provisions of Table B., contained in the Schedule annexed to the Joint Stock Companies Acts, 1856. 25 30 35

Stamp on Memorandum of Association and Articles of Association.

XXVIII. The Memorandum of Association and the Articles of Association may be printed or written, and *shall respectively bear the same Stamps as if they were Deeds*: The Execution by any Person of the Memorandum of Association or Articles of Association 40

ciation shall be attested by One Witness at the least ; and Attestation by One Witness shall be sufficient Attestation in Scotland as well as in England and Ireland.

XXIX. The Memorandum of Association and Articles of Association shall be delivered to the Registrar, who shall retain and register the same: There shall be paid to the Registrar by a Proprietary Company, in respect of the several Matters mentioned in the Table marked C. in the Schedule hereto, the several Fees therein specified, or such smaller Fees as the Board of Trade may from Time to Time direct, and by a Mutual Company in respect of the several Matters mentioned in the Table marked D. in the Schedule hereto the several Fees therein specified, or such smaller Fees as the Board of Trade may from Time to Time direct: All Fees so paid shall be paid into the Receipt of Her Majesty's Exchequer, and be carried to the Account of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

Registration of Memorandum of Association and Articles of Association.

XXX. Upon any such Memorandum of Association, together with Articles of Association as aforesaid, being registered, the Registrar shall certify under his Hand that the Company is incorporated: The Subscribers of the Memorandum of Association, together with such other Persons as may from Time to Time become Members in the Company, shall thereupon be a Body Corporate by the Name prescribed in the Memorandum of Association, having a perpetual Succession and a Common Seal, with Power to hold Lands, but with such Liability on the Part of the Members to contribute to the Assets of the Company in the event of the same being wound up as is herein-after mentioned: The Certificate of Incorporation given by the Registrar shall be conclusive Evidence that all the Requisitions of this Act in respect of Registration have been complied with, and that the Company is an Insurance Company within the Meaning of this Act; and the Date of such Certificate shall be deemed to be the Date of the Incorporation of the Company.

Effect of Registration.

XXXI. As soon as a Certificate of Incorporation has been granted by the Registrar, a Proprietary Company may issue Certificates of Shares to the Subscribers to the Memorandum of Association, and to all other Persons to whom Shares may be allotted, of such Number and Amount as may be prescribed by the Memorandum of the Association, but not of any greater Number or Amount: The Shares so issued shall be Personal Estate, and shall not be of the Nature of Real Estate; and each Share shall be distinguished by its appropriate Number.

Issue of Shares by Proprietary Company.

PART III.

REGISTER OF MEMBERS.

Register of
Members of
Proprietary
Company.

XXXII. Every Proprietary Company registered under this Act shall cause to be kept in One or more Books a Register of its Members, and there shall be entered therein the following Particulars: 5

- (1.) The Names, Addresses, and Occupations, if any, of the Members of the Company, and the Shares held by each of them, distinguishing each Share by its Number, except in the Case of Companies that existed at the Time of the passing of this Act, and have not their Shares numbered: 10
- (2.) The Amount paid on the Shares of each Member:
- (3.) The Date at which the Name of any Person was entered in the Register as a Member:
- (4.) The Date at which any Person ceased to be a Member in respect of any Share. 15

Annual List
of Members
of Proprie-
tary Com-
pany.

XXXIII. In the Case of a Proprietary Company there shall be made, once at the least in every Year, a List of all Persons who on the Fourteenth Day succeeding the Day on which the ordinary General Meeting of the Company, or, if there is more than One ordinary Meeting in each Year, the First of such ordinary General Meetings is held, are Holders of Shares in the Company; and such List shall state the Names, Addresses, and Occupations of all the Persons therein mentioned, and the Number of Shares held by each of them, and shall contain a Summary, specifying the following Particulars: 20

- (1.) The Amount of the nominal Capital of the Company, and the Number of Shares into which it is divided: 25
- (2.) The Number of Shares taken from the Commencement of the Company up to the Date of the Summary:
- (3.) The Amount of Calls made on each Share: 30
- (4.) The total Amount of Calls that have been received:
- (5.) The total Amount of Calls unpaid:
- (6.) The total Amount of Shares forfeited:

The above List and Summary shall be contained in a separate Part of the Register: It shall be completed within Seven Days after such Fourteenth Day as is mentioned in this Section, and a Copy, authenticated by the Seal of the Company, shall forthwith be forwarded to the Registrar, and any Person may inspect and take Copies of the same, subject to the Regulations under which a Person is, by the Joint Stock Companies Act, 1856, to be entitled to inspect and take Copies of any Documents kept by the Registrar. 40

XXXIV. If

XXXIV. If any Proprietary Company registered under this Act makes default in keeping a Register of its Members, or in sending a Copy of such List and Summary as aforesaid to the Registrar, in compliance with the foregoing Rules, such Company shall incur a
 5 Penalty not exceeding Five Pounds for every Day during which such Default continues.

Penalty on
Proprietary
Company
not keeping
proper
Register.

XXXV. Every Mutual Company registered under this Act shall cause to be kept a Register, showing the Names, Addresses, and Occupations of its Members.

Register of
Members of
Mutual
Company.

10 XXXVI. If any Mutual Company registered under this Act makes default in keeping a Register of Members, such Company shall incur a Penalty not exceeding Five Pounds for every Day during which such Default continues.

Penalty on
Company
not keeping
a proper
Register.

15 XXXVII. Where a Company is registered under this Act in England or Ireland, no Notice of any Trust shall be entered on the Register of Members.

Notice of
Trust not
entered on
Register.

XXXVIII. In a Proprietary Company registered under this Act every Person who has accepted any Share in the Company, in manner prescribed by the Regulations of the Company as to the Acceptance
 20 of Shares, and whose Name is entered in the Register of Members, and no other Person (except a Subscriber to the Memorandum of Association in respect of the Shares subscribed for by him), shall for the Purposes of this Act be deemed to be a Member of such Company; and in a Mutual Company registered under this Act, every Person
 25 who has become a Member of the Company in manner prescribed by the Regulations of the Company, and no other Person, shall for the Purposes of this Act be deemed to be a Member of such Company; but nothing herein contained shall affect the Provisions herein-before made with respect to the Liability of any Person who may have
 30 become a Member of any Company existing at the Time of the passing of this Act previously to its Registration under this Act.

Restrictive
Definition of
Member.

XXXIX. Shares in a Proprietary Company may be transferred in manner prescribed by the Regulations of the Company, but the Instrument of Transfer shall be executed both by the Transferrer
 35 and Transferee, and the Transferrer of any Share shall be deemed to remain a Holder of such Share until the Name of the Transferee is entered in the Register in respect thereof.

Transfer
of Shares in
Proprietary
Company.

Inspection of
Register.

XL. The Register of Members commencing from the Date of the Registration of the Company under this Act shall be kept at the registered Office of the Company herein-after mentioned: Except when closed as herein-after mentioned, it shall during Business Hours, but subject to such reasonable Restrictions as the Company in 5
General Meeting may impose, so that not less than Two Hours in each Day be appointed for Inspection, be open to the Inspection of any Member gratis, and to the Inspection of any other Person on the Payment of One Shilling or such less Sum as the Company may prescribe for each Inspection; and every such Member or other 10
Person may require a Copy of such Register or of any Part thereof, on Payment of Sixpence for every One hundred Words required to be copied: If such Inspection or Copy is refused, the Company shall incur for each Refusal a Penalty not exceeding Two Pounds, and a further 15
Penalty not exceeding Two Pounds for every Day during which such Refusal continues.

Power
to close
Register.

XLII. The Company may, upon giving Notice by Advertisement in some Newspaper circulating in the District in which the registered Office of the Company is situated, close the Register of 20
Members for any Time or Times not exceeding in the whole Twenty-one Days in each Year, and the Period during which the Books are closed shall not be reckoned as Part of the Time within which a Transfer of any Share in a Proprietary Company is to be 25
registered.

Remedy for
improper
Entry or
Omission of
Entry in
Register.

XLIII. If the Name of any Person is, without sufficient Cause, 25
entered or omitted to be entered in the Register of Members of any Company registered under this Act, such Person, or any Member of the Company, may, as respects Companies registered in England or Ireland, by Motion in any of Her Majesty's Superior Courts of Law or Equity, and as respects Companies registered in Scotland by 30
Summary Petition to the Court of Session, apply to such Court for an Order that the Register may be rectified; and the Court may either refuse such Application, with or without Costs, to be paid by the Applicant, or it may, if satisfied of the Justice of the Case, make an 35
Order for the Rectification of the Register, and may direct the Company to pay all the Costs of such Motion or Petition, and any Damages the Party aggrieved may have sustained; and if the Company makes default or is guilty of unnecessary Delay in registering any Transfer of Shares, it shall be responsible to any Person 40
injured by such Default or Delay for the Amount of Damage he may thereby have sustained. The Court may in any Proceeding under this Section decide on any Question relating to the Title of any
Person

Person who is a Party to such Proceeding to have his Name entered in or erased from the Register, whether such Question arises between Two or more Members or alleged Members, or between any Members or alleged Members and the Company, and generally the Court may in any such Proceeding decide any Question that it may be necessary or expedient to decide for the Rectification of the Register.

XLIII. The Register of Members shall be Evidence of any Matters by this directed or authorized to be inserted therein. Register to be Evidence.

- 10 XLIV. Copies of the Memorandum of Association and Articles of Association shall be forwarded to every Member, at his Request, on Payment of the Sum of One Shilling for each Copy, or such less Sum as may be prescribed by the Company; and if the Company makes default in so forwarding the same, it shall for each Offence
- 15 incur a Penalty not exceeding One Pound. Copies of Memorandum and Articles of Association to be given to Shareholders.

PART IV.

MANAGEMENT AND ADMINISTRATION OF COMPANIES.

General.

- 20 XLV. Every Company registered under this Act shall have a registered Office to which all Communications and Notices may be addressed: If any Company registered under this Act carries on Business without having such an Office, it shall incur a Penalty not exceeding Five Pounds for every Day during which Business is so carried on. Registered Office of Company.
- 25 XLVI. Notice of the Situation of such registered Office, and of any Change therein, shall be given to the Registrar, and recorded by him: Until such Notice is given the Company shall not be deemed to have complied with the Provisions of this Act with respect to having a registered Office. Notice of Situation of registered Office.
- 30 XLVII. A General Meeting of every Company registered under this Act shall be held once at the least in every Year. General Meeting of Company.
- XLVIII. Any Company registered under this Act may in General Meeting, from Time to Time, by such Special Resolution as is herein-
[159.] B 3 Power of Company to alter Regulations

by Special
Resolution.

after mentioned, alter and make new Provisions in lieu of or in addition to any Regulations of the Company, subject to the following Provisoes :

- (1.) That, save as herein-after mentioned with respect to the Increase of Capital or Number of Members, no Company formed 5
after the passing of this Act, and registered under this Act, shall alter any Regulation contained in the Memorandum of Association of such Company :
- (2.) That no Company existing at the Time of the passing of this Act shall, when registered under this Act, have Power by 10
Special Resolution to alter any Provision contained in any Act of Parliament relating to the Company, without the Sanction of the Board of Trade :
- (3.) That no such existing Company as last aforesaid shall have Power, without the Sanction of the Board of Trade, by 15
Special Resolution, to alter any Provisions contained in any Letters Patent relating to the Company :
- (4.) That nothing herein contained shall authorize any such existing Company as last aforesaid by Special Resolution to alter any 20
such Provisions contained in any Act of Parliament, Deed of Settlement, Letters Patent, or other Instrument constituting or regulating the Company, as would, if such Company had originally been incorporated under this Act, have been contained in the Memorandum of Association, and are not hereby authorized to be altered : 25

But nothing herein contained shall derogate from any Power of altering its Constitution or Regulations which may be vested in any Company existing at the Time of the passing of this Act, by virtue of any Act of Parliament, Deed of Settlement, Letters Patent, or other Instrument constituting or regulating the Company. 30

Definition of
Special Re-
solution of
Proprietary
Company.

XLIX. A Resolution shall be deemed to be a Special Resolution of a Proprietary Company whenever the same has been passed by Three Fourths in Number and Value of such Members of the Company for the Time being entitled to vote as may be present in Person or by Proxy (in Cases where, by the Regulations of the Company, Proxies 35
are allowed,) at any Meeting of which Notice specifying the Intention to propose such Resolution has been duly given, and such Resolution has been confirmed by a Majority of such Members for the Time being entitled to vote as may be present in Person or by Proxy at a subsequent Meeting, of which Notice has been duly given, and held 40
at an Interval of not less than One Month nor more than Three Months from the Date of the Meeting at which such Special Resolution
lution

lution was first passed: Unless a Poll is demanded by at least Five Members, a Declaration of the Chairman of any such Meeting as is mentioned in this Section, that a Special Resolution has been carried, shall be deemed conclusive Evidence of the Fact, without Proof of

5 the Number or Proportion of the Votes recorded in favour of or against the same: Notice of any Meeting shall, for the Purposes of this Section, be deemed to be duly given, and the Meeting to be duly held, whenever such Notice is given and Meeting held in manner prescribed by the Regulations of the Company.

- 10 L. A Resolution shall be deemed to be a Special Resolution of a Mutual Company whenever the same has been passed by Three Fourths in Number of such Members of the Company for the Time being entitled to vote as may be present in Person or by Proxy (in Cases where, by the Regulations of the Company, Proxies are allowed,) at
 15 any Meeting of which Notice specifying the Intention to propose such Resolution has been duly given, and such Resolution has been confirmed by a Majority of such Members for the Time being entitled to vote as may be present in Person or by Proxy at a subsequent Meeting of which Notice has been duly given, and held at an Interval of not
 20 less than One Month nor more than Three Months from the Date of the Meeting at which such Special Resolution was first passed: Unless a Poll is demanded by at least Five Members, a Declaration of the Chairman of any such Meeting as is mentioned in this Section, that a Special Resolution has been carried, shall be deemed conclusive
 25 Evidence of the Fact, without Proof of the Number of the Votes recorded in favour of or against the same: Notice of any Meeting shall, for the Purposes of this Section, be deemed to be duly given, and the Meeting to be duly held, whenever such Notice is given and Meeting held in manner prescribed by the Regulations of the
 30 Company.
- Definition of
Special Reso-
lution of
Mutual
Company.

- LI. A Copy of any Special Resolution that is passed by any Company registered under this Act shall be forwarded to the Registrar, and recorded by him: If such Copy is not so forwarded within Fifteen Days from the Date of the passing of the Resolution,
 35 the Company shall incur a Penalty not exceeding Two Pounds for every Day after the Expiration of such Fifteen Days during which such Copy is omitted to be forwarded.
- Registry of
Special Re-
solutions.

- LII. A Copy of any Special Resolution shall be given to any Member, on Payment of One Shilling or of such less Sum as the
 40 Company may direct.
- Copies of
Special Re-
solutions.

Notice to Registrar of Increase of Capital in Proprietary Company, and of Members in Mutual Company.

LIII. The Company, if authorized so to do by its Regulations, may, in the Case of a Proprietary Company, increase its nominal Capital, and in the Case of a Mutual Company increase the Number of its Members, in manner directed by such Regulations, but Notice of any Increase so made shall be given to the Registrar within 5 Fifteen Days from the Date of the passing of the Resolution by which such Increase has been authorized, and the Registrar shall forthwith record the Amount of such Increase: If such Notice is not given within the Period aforesaid the Company shall incur a Penalty not exceeding Five Pounds for every Day during which such 10 Neglect to give Notice continues.

Prohibition against carrying on Business with less than Seven Members.

LIV. If any Company registered under this Act carries on Business when the Number of its Members is less than Seven, for a Period of Six Months after the Number has been so reduced, then every Person who is a Member in such Company during the Time that it so carries 15 on Business after such Period of Six Months shall be severally liable for the Payment of the whole Debts of the Company contracted during such Time, and may be sued for the same, without the Joinder in the Action or Suit of any other.

Evidence of Proceedings at Meetings.

LV. The Company shall call Minutes of all Resolutions and Pro- 20 ceedings of General Meetings of the Company, and of the Directors of the Company in Cases where there are Directors, to be duly entered in Books to be from Time to Time provided for the Purpose; and any such Minute as aforesaid, if signed by any Person purporting to be the Chairman of such Meeting, shall be receivable in Evidence 25 in all legal Proceedings; and until the contrary is proved every General Meeting in respect of the Proceedings of which Minutes have been so made shall be deemed to have been duly held and convened.

Legal Instruments of Company.

30

Contracts how made.

LVI. Contracts on behalf of any Company registered under this Act may be made as follows; (that is to say,)

(1.) Any Contract which if made between private Persons would be by Law required to be in Writing, and if made according to English Law to be under Seal, may be made on behalf of 35 the Company in Writing under the Common Seal of the Company, and such Contract may be in the same Manner varied or discharged:

(2.) Any Contract which if made between private Persons would be by Law required to be in Writing and signed by the 40 Parties

Parties to be charged therewith, may be made on behalf of the Company in Writing signed by any Person acting under the express or implied Authority of the Company, and such Contract may in the same Manner be varied or discharged :

- 5 (3.) Any Contract which if made between private Persons would by Law be valid although made by Parol only, and not reduced into Writing, may be made by Parol on behalf of the Company by any Person acting under the express or implied Authority of the Company, and such Contract may in the
10 same Way be varied or discharged :

And all Contracts made according to the Provisions herein contained shall be effectual in Law, and shall be binding upon the Company and their Successors, and all other Parties thereto, their Heirs, Executors, or Administrators, as the Case may be.

15

Deeds.

- LVII. Any Company registered under this Act may, by Instrument or Writing under their Common Seal, empower any Person, either generally or in respect of any specified Matters, as their Attorney, to execute Deeds on their Behalf in any Place not situate
20 in the United Kingdom ; and every Deed signed by such Attorney, on behalf of the Company, and under his Seal, shall be binding on the Company to the same Extent as if it were under the Common Seal of the Company.

Execution
of Deeds
abroad.

- LVIII. In any Mortgage made according to English Law by
25 any Company registered under this Act there shall be implied the following Covenants (unless Words expressly negating such Implication are contained therein) ; that is to say, a Covenant on the Part of the Company to pay the Money thereby secured, and Interest thereon, at the Time and Rate therein mentioned ; a Covenant that
30 they have Power to convey or assure the Property declared to be conveyed or assured to the Mortgagee free from Incumbrances ; and a Covenant for further Assurance of such Property, at the Expense of the Company, to the Mortgagee or any Person claiming through, under, or in trust for him ; and if a Power of Sale is thereby given
35 such Power shall imply an Authority to sell by Public Auction or Private Contract, altogether or in Parcels, and to make, rescind, or vary Contracts for Sale or Resale, without being liable for Loss, and also an Authority to give effectual Receipts for Purchase Monies ; and such Mortgage may be in the Form marked E. in the Schedule
40 hereto, or as near thereto as Circumstances admit.

Mortgages
according to
English Law.

Bond and
Disposition
in Security
according to
Scotch Law.

LIX. In any Bond and Disposition in Security made according to Scotch Law by any Company registered under this Act there shall be implied the following Obligations and Undertakings (unless Words expressly negating such Implication are contained therein); that is to say, an Obligation on the Part of the Company to pay the Money 5 thereby secured, and Interest thereon, at the Time and Rate therein mentioned; an Undertaking that they have Power to convey the Property declared to be conveyed to the Heritable Creditor free from Incumbrances; and an Obligation to make and execute, at the Expense of the Company, in favour of the Heritable Creditor, or any 10 Person claiming through, under, or in trust for him, any further Deed necessary to give Effect and Validity to the Security; and if a Power of Sale is thereby given, such Power shall imply an Authority to sell by Public Auction or Private Contract, altogether or in Parcels, and to make, rescind, or vary Contracts of Sale or Resale, without being 15 liable for Loss, and also an Authority to give effectual Receipts for Purchase Monies; and such Bond and Disposition in Security may be in the Form marked F. in the Schedule hereto, or as near thereto as Circumstances admit, and shall be registered in the General or Particular or Burgh Register of Sasines, as the Case may be, and 20 being so registered shall be equivalent to a Bond and Disposition in Security in ordinary Form, containing Power of Sale, with Sasine thereon, duly recorded in the Register of Sasines.

Conveyances
according to
English Law.

LX. In any Conveyance or Assurance made according to English Law by any Company registered under this Act there shall be 25 implied (unless Words expressly negating such Implication are contained therein) the following Covenants on the Part of the Company; (that is to say,) 30

A Covenant that, notwithstanding any Act or Default done by the Company, they were at the Time of the Execution of such Con- 30 veyance or Assurance seised or possessed of the Lands or Premises thereby conveyed or assured for an indefeasible Estate of Inheritance in Fee Simple, free from Incumbrances occasioned by them, or otherwise for such Estate or Interest as therein expressed to be assured, free from Incumbrances occasioned by 35 them:

A Covenant that the Person to whom such Lands or Premises are conveyed or assured, his Heirs, Successors, Executors, Administrators, and Assigns, (as the Case may be,) shall quietly enjoy the same against the Company and their Successors, and 40 all other Persons claiming under them, and be indemnified and saved harmless by the Company and their Successors from all Incumbrances occasioned by the Company:

A Cove-

A Covenant for further Assurance of such Lands or Premises, at the Expense of the Person to whom the same are conveyed or assured, his Heirs, Successors, Executors, Administrators, or Assigns, (as the Case may be,) by the Company or their
 5 Successors, and all other Persons claiming under them.

LXI. In any Disposition of Heritable Property granted according to Scotch Law by any Company registered under this Act there shall be implied, unless Words expressly excluding such Implication are contained therein, an Obligation of absolute Warrantice, and an
 10 Obligation to complete the Company's Title, at its own Expense, so far as necessary to validate or give full Effect to such Disposition, and an Obligation to grant, also at its own Expense, any further Deeds which may be necessary to render such Disposition effectual.

Disposition
in Security
according to
Scotch Law.

Examination of Affairs of Company.

LXII. Upon the Application of One Fifth in Number and Value of the Members of any Proprietary Company registered under this Act, and of One Fifth in Number of the Members of any Mutual Company registered under this Act, the Board of Trade may appoint One or more competent Inspectors to examine into the Affairs of the
 15 Company, and to report thereon in such Manner as the Board of Trade directs.

Examination
of Affairs of
Company by
Inspectors
appointed by
the Board of
Trade.

LXIII. It shall be the Duty of all Officers and Agents of the Company to produce for the Examination of the Inspectors all Books and Documents in their Custody or Power: Any Inspector may
 25 examine upon Oath the Officers and Agents of the Company in relation to its Business, and may administer such Oath accordingly: If any Officer or Agent refuses to produce any such Book or Document, or to answer any Question relating to the Affairs of the Company, he shall incur a Penalty not exceeding Five Pounds in
 30 respect of each Offence.

Power of
Inspectors.

LXIV. Upon the Conclusion of the Examination the Inspectors shall report their Opinion to the Board of Trade: Such Report shall be written or printed, as the Board of Trade directs: A Copy shall
 30 be forwarded by the Board of Trade to the registered Office of the Company, and a further Copy shall, at the Request of the Members upon whose Application the Inspection was made, be delivered to them or to any One or more of them: All Expenses of and incidental to any such Examination as aforesaid shall be defrayed by the Members upon whose Application the Inspectors were appointed.

Result of
Examination
how dealt
with.

Power of
Company to
appoint
Inspectors.

LXV. Any Company registered under this Act may in General Meeting appoint Inspectors for the Purpose of examining into the Affairs of the Company: The Inspectors so appointed shall have the same Powers and perform the same Duties as Inspectors appointed by the Board of Trade, with this Exception, that, instead of making 5 their Report to the Board of Trade, they shall make the same in such Manner and to such Persons as the Company in General Meeting directs; and the Officers and Agents of the Company shall incur the same Penalties, in case of any Refusal to produce any Book or Document to such Inspectors, or to answer any Question, as they would 10 have incurred if such Inspectors had been appointed by the Board of Trade.

Report of
Inspectors to
be Evidence.

LXVI. A Copy of the Report of any Inspectors appointed under this Act, authenticated by the Seal of the Company into whose Affairs they have made Inspection, shall be admissible as Evidence in 15 any legal Proceeding.

Notices.

Services of
Notices on
Company.

LXVII. Any Summons or Notice requiring to be served upon the Company may, except in Cases where a particular Mode of Service is directed, be served by leaving the same, or sending it through 20 the Post addressed to the Company, at their registered Office, or by giving it to any Director, Secretary, or other principal Officer of the Company.

Rule as to
Notices by
Letter.

LXVIII. Notice by Letter to be served on the Company, or by the Company on any Member thereof, shall be posted in such Time as to 25 admit of the Letter being delivered in the due Course of Delivery within the Period (if any) prescribed for the giving of such Notice; and in proving such Notice it shall be sufficient to prove that such Notice was properly directed, and that it was put into the Post Office at such Time as aforesaid. 30

Authenti-
cation of
Notices of
Company.

LXIX. Any Summons, Notice, Writ, or Proceeding requiring Authentication by the Company may be signed by any Director, Secretary, or other authorized Officer of the Company, and need not be under the Common Seal of the Company, and the same may be in Writing or in Print, or partly in Writing and partly in Print. 35

Legal Proceedings.

Recovery of
Penalties.

LXX. All Offences under this Act made punishable by any Penalty may be prosecuted summarily before Two or more Justices, as to England, in manner directed by an Act passed in the Session holden

- holden in the Eleventh and Twelfth Years of the Reign of Her Majesty Queen Victoria, Chapter Forty-three, intituled "An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within England and Wales with respect to summary
- 5 "Convictions and Orders;" and as to Scotland, before Two or more Justices or the Sheriff of the County, in the Manner directed by the Act passed in the Session of Parliament holden in the Seventeenth and Eighteenth Years of the Reign of Her Majesty Queen Victoria, Chapter One hundred and four, intituled "An Act to amend and
- 10 "consolidate the Acts relating to Merchant Shipping," as regards Offences in Scotland against that Act, not being Offences by that Act described as Felonies or Misdemeanors; and as to Ireland, in the Manner directed by the Act passed in the Session holden in the Fourteenth and Fifteenth Years of the Reign of Her Majesty Queen
- 15 Victoria, Chapter Ninety-three, intituled "An Act to consolidate and amend the Acts regulating the Proceedings of Petty Sessions and the Duties of Justices of the Peace out of Quarter Sessions in Ireland," or any Act passed for the Amendment of the above-mentioned Acts.

- LXXI. The Justices or Sheriff imposing any Penalty under this
- 20 Act may direct the whole or any Part thereof to be applied in or towards Payment of the Costs of the Proceedings, or in or towards the rewarding the Person upon whose Information or at whose Suit such Penalty has been recovered; and, subject to such Direction, all Penalties shall be paid into the Receipt of Her Majesty's Exchequer,
- 25 in such Manner as the Treasury may direct, and shall be carried to and form Part of the Consolidated Fund of the United Kingdom.
- Application of Penalties.

Alteration of Forms.

- LXXII. The Board of Trade may from Time to Time make such Alterations in the Forms and Tables contained in the Schedule hereto
- 30 as they deem requisite: They shall publish any Form or Table, when altered, in the London Gazette, and upon such Publication being made, it shall have the same Force as if it were included in the Schedule to this Act.
- Board of Trade may alter Forms in Schedule.

PART V.

- 35 WINDING-UP.

Preliminary.

- LXXIII. The Provisions of this Act relating to the Winding-up of Companies shall apply to all Companies registered under this Act, and to no other Companies.
- Application of Part V. of Act.

LXXIV. The

Definition of
"the Court."

LXXIV. The Expression "the Court," as used in this Act, shall mean, as respects Companies registered under this Act in England, the High Court of Chancery of England; as respects Companies registered under this Act in Scotland, the Court of Session in either Division thereof; and as respects Companies registered under this Act in Ireland the Court of Chancery of Ireland.

Liabilities of
Members of
Company
to general
Creditor.

LXXV. In the event of a Company registered under this Act being wound up by the Court or voluntarily, every Person who at the Time of the Commencement of such Winding-up is or has within Three Years prior to the Commencement of such Winding-up been a Member of such Company shall be liable to contribute to the Assets of the Company to an Amount sufficient for Payment of the Debts of the Company contracted with Persons not being Members of the Company, or with Members of the Company in respect of Matters in which they were not acting as Members, and the Costs, Charges, and Expenses of the Winding-up, so far as the same have been incurred in or about the Payment of such Debts, with this Exception, that no Person shall be liable to contribute in respect of any Debt of the Company contracted after the Time at which he ceased to be a Member.

Liabilities of
Members of
Company
between
themselves.

LXXVI. In the event of a Company registered under this Act being wound up by the Court or voluntarily, the Rights and Liabilities of the Members between themselves shall be determined by the Regulations of the Company.

Proviso for
Special
Contracts.

LXXVII. Nothing herein contained shall invalidate any Provision contained in any Policy or other Contract whereby the Liability of Members of the Company is restricted, or whereby the Funds of the Company are alone made liable for the Debts thereof.

Commence-
ment of
Winding-up
of Company
defined.

LXXVIII. The winding-up shall, if the Company is wound up by Court, be deemed to commence at the Time of the Presentation of such Petition as is herein-after required to be presented to the Court, and if the Company is wound up voluntarily, be deemed to commence at the Time of the passing of the Resolution authorizing such winding-up.

Definition of
"Contribu-
tory," and
legal
Character
of his
Liability.

LXXIX. Any Member upon whom Calls are authorized to be made in the event of the winding up of a Company either by the Court or voluntarily, is herein-after called "a Contributory," and the Representatives of any deceased Contributory shall be liable in a due Course of Administration to the same Extent as such Contributory would be liable under this Act, if alive.

LXXX. A

Winding-up by Court.

LXXX. A Company may be wound up by the Court under the following Circumstances; (that is to say,) Circumstances under which a Company may be wound up by Court.

- 5 (1.) Whenever the Company in General Meeting has passed a Special Resolution requiring the Company to be wound up by the Court:
- (2.) Whenever the Company does not commence its Business within a Year from its Incorporation, or suspends its Business for the Space of a whole Year:
- 10 (3.) Whenever the Members are reduced in Number to less than Seven:
- (4.) Whenever the Company is unable to pay its Debts.

LXXXI. A Company shall be deemed to be unable to pay its Debts, Company when deemed unable to pay its Debts.

- 15 (1.) Whenever a Creditor to whom the Company is indebted in a Sum exceeding Fifty Pounds then due has served on the Company, by leaving the same at their registered Office, a Demand under his Hand requiring the Company to pay the Sum so due, and the Company has for the Space of Three
- 20 Weeks succeeding the Service of such Demand neglected to pay such Sum, or to secure or compound for the same to the Satisfaction of the Creditor:
- (2.) Whenever, in England and Ireland, Execution issued on a Judgment, Decree, or Order obtained in any Court in favour
- 25 of any Creditor in any Suit or other legal Proceeding instituted by such Creditor against the Company is returned unsatisfied, in whole or in part, by the Sheriff of the County in which the registered Office of the Company is situate:
- (3.) Whenever, in Scotland, the Induciæ of a Charge for Payment
- 30 on an Extract Decree, or an Extract registered Bond, or an Extract registered Protest have expired without Payment being made.

LXXXII. Any Application for the winding-up of a Company shall be by Petition, and there shall be filed or lodged at the Time when such Petition is presented an Affidavit verifying the same: Such Application for Winding-up to be by Petition.

35 Petition may, in Cases where the Company is unable to pay its Debts, be presented either by a Creditor or a Contributory, but where any other Ground is alleged for winding-up the Company a Contributory alone is entitled to present the Petition.

40 LXXXIII. Upon the Hearing of any Petition presented by a Creditor, the Court may dismiss such Petition, with or without Costs, to be paid by the Petitioner, or it may make an Order or pronounce an Course to be pursued by Court on Petition of a Creditor.

Interlocutor directing the Company, by a Day to be named in the Order or Interlocutor, to pay or secure Payment to the Creditor of all Monies that may be proved due to him, together with such Costs as the Court may direct; or the Court may, if it so thinks fit on the Hearing of such Petition, make an Order or Decree for winding-up the Company in the first instance, or such other Order as it deems just.

Order for winding up Company on Creditor's Petition.

LXXXIV. If at the Expiration of the Time named in such Order or Interlocutor such Payment is not made, or Security given, the Court may thereupon make an Order or Decree for winding up the Company. 10

Course to be pursued by Court on Petition of Contributory.

LXXXV. Upon the Hearing of a Petition presented by a Contributory, the Court may dismiss such Petition, with or without Costs, to be paid by the Petitioner, or it may make an Order or Decree directing the Company to be wound up, or such other Order or Decree as it deems just. 15

Effect of the Order for Winding-up Company.

LXXXVI. After the Date of such Order or Decree for winding up the Company, all Suits and Actions against the Company shall, if the Court so orders, be stayed: No Director or other Officer of the Company shall, without the Sanction of the Court, dispose of any of the Property, Effects, or Things in Action of the Company, and no Transfer of any Shares shall be valid without the Sanction of the Court: A Copy of such Order or Decree shall forthwith be reported by the Company to the Registrar, who shall make a Minute thereof in his Books relating to the Company. 25

Power of Court of Chancery to transmit Winding-up to Court of Bankruptcy.

LXXXVII. In Cases where the Court of Chancery in England or Ireland makes an Order for winding up a Company registered under this Act, it may, if it thinks fit, direct all or any subsequent Proceedings for winding up the same to be had in the Court of Bankruptcy having Jurisdiction in the Place in which the registered Office of the Company is situate, and upon such Order being made the Court therein named shall have the same Jurisdiction and exercise the same Powers with respect to winding up such Company as it would have and exercise in a Case by this Act declared to be within its Jurisdiction. 30 35

Collection and Application of Assets.

LXXXVIII. As soon as may be after making an Order or Decree for winding up the Company the Court shall cause the Assets of the Company to be collected, and applied in discharge of its Liabilities in a due Course of Administration.

LXXXIX. Any

LXXXIX. Any such Conveyance, Mortgage, Delivery of Goods, Payment, Execution, or other Act relating to Property, as would, if made or done by or against any individual Trader, be deemed in the event of his Bankruptcy to have been made or done by way of undue or fraudulent Preference of any Creditor of such Trader, shall, if made or done by or against any Company registered under this Act, be deemed, in the event of an Order being made for winding up such Company, to have been made or done by way of undue or fraudulent Preference of such Creditor of such Company, and shall be invalid accordingly; and for the Purposes of this Section the Presentation of a Petition for winding up a Company shall be deemed to correspond with the filing of a Petition for Adjudication of Bankruptcy in the Case of an individual Trader; and any Conveyance or Assignment made by any Company registered under this Act of all its Estate and Effects to Trustees for the Benefit of all its Creditors shall be void to all Intents.

XC. The Court may, after it has made an Order or Decree for winding up the Company, summon before it any Person known or suspected to have in his Possession any of the Estate or Effects of the Company, or supposed to be indebted to the Company, or any Person whom the Court may deem capable of giving Information concerning the Trade, Dealings, Estate, or Effects of the Company; and the Court may require any such Person to produce any Books, Papers, Deeds, Writings, or other Documents in his Custody or Power which may appear to the Court requisite to the full Disclosure of any of the Matters which the Court thinks necessary to be inquired into for the Purpose of winding up the Company; and if any Person so summoned refuses to come before the Court at the Time appointed, having no lawful Impediment, (made known to the Court at the Time of its sitting, and allowed by it,) the Court may, by Warrant authorize and direct the Persons therein named for that Purpose to apprehend such Person, and bring him before the Court for Examination.

XCII. The Court may examine, upon Oath, either by Word of Mouth or upon written Interrogatories, any Person appearing or brought before them in manner aforesaid, concerning the Affairs, Dealings, Estate, or Effects of the Company, and may reduce into Writing the Answers of every such Person, and require him to sign and subscribe the same.

XCII. If any Director, Officer, or Contributory of any Company for the winding up of which an Order or Decree has been made under this Act destroys, mutilates, alters, or falsifies any Books, Papers,

Papers, Writings, or Securities, or makes or is privy to the making of any false or fraudulent Entry in any Register, Book of Account, or other Document belonging to the Company, with Intent to defraud the Creditors or Contributories of such Company or any of them, every Person so offending shall be deemed to be guilty of a Mis- 5 demeanor, and upon being convicted shall be liable to Imprisonment for any Term not exceeding Two Years, with or without Hard Labour.

Attach-
ments, Se-
questrations,
and Execu-
tions within
Three
Months of
Petition to
be void.

XCIII. If any Attachment, Sequestration, or Execution is issued against any Company, by virtue whereof the Estate and 10 Effects of the Company, or any of them, may be attached, sequestered, or taken in Execution, at any Time within Three Months next before the filing or Presentation of the Petition for winding up the Company, such Attachment, Sequestration, or taking in Execution shall be void in favour of the Liquidators of the Company, as against 15 the attaching, sequestering, or Execution Creditor, whether the same has been completely executed or not, except that such Creditor shall, if the Attachment, Sequestration, or Execution would have been valid but for this Provision, be entitled to retain, out of any Money already realized, his Costs of Suit, and of the Attachment, Sequestration, or 20 Execution, or to proceed with the Attachment, Sequestration, or Execution for the Purpose of realizing such Costs; but on Satisfaction of such Costs, or on Tender of the Amount thereof by the Liquidators to the Creditor, it shall be lawful for the Liquidators to recover from such Creditor the Property so attached, sequestered, and taken 25 in Execution, and the Proceeds of such Property, or the Residue thereof, as the Case may be.

Power to
arrest Mem-
ber about
to abscond,
or to remove
or conceal
any of his
Property.

XCIV. Where an Order has been made for winding up a Com-
pany registered under this Act, if upon the Application of the
Official Liquidator herein-after mentioned, it appears to the Court 30
having Jurisdiction in the Matter of such Winding-up that there is
probable Cause for believing that any Contributory to such Company
is about to quit the United Kingdom, or otherwise abscond, or to
remove or conceal any of his Goods or Chattels, for the Purpose of
evading Payment of Calls, or for avoiding Examination in respect 35
of the Affairs of the Company, the Court may, by Warrant directed
to such Person or Persons as it thinks fit, cause such Contributory to
be arrested, and his Books, Papers, Monies, Securities for Monies,
Goods, and Chattels to be seized, and him and them to be safely
kept until such Time as the Court may order. 40

Arrested
Member

XCv. Any Contributory who has been arrested or whose Goods
or Chattels have been seized under any such Warrant as afore-
said

said may, at any Time after such Arrest or Seizure, apply to the Court that issued the Warrant to discharge him from Custody, or to direct the Delivery to him of any Books, Papers, Monies, Securities for Money, Goods, or Chattels that may have been seized; and the
 5 Court shall take such Application into consideration, and shall make such Order thereon as it thinks just.

may apply
to Court
for his
Discharge.

XCVI. All Calls that are authorized by this Act to be made on a Contributory, in the event of the Company to which he belongs being wound up by the Court or voluntarily, shall be deemed in England and
 10 Ireland to be Specialty Debts due from such Contributory.

Calls on
Contribu-
tory to be
Specialty
Debt.

XCVII. All Books, Accounts, and Documents of the Company, and of the Liquidators herein-after mentioned, shall, as between the Contributories of the Company, be *primâ facie* Evidence of the Truth of all Matters therein contained, and purporting to be therein
 15 recorded.

Books of
Company to
be Evidence.

XCVIII. The Court may, at any Time after making an Order or Decree for winding up any Company registered under this Act, and before it has ascertained the Sufficiency of the Assets of the Company, or the Debts in respect of which the several Classes of Con-
 20 tributories are liable, make Calls on all or any of the Contributories, to the Extent of their Liability, for Payment of all or any Sums it deems necessary to satisfy the Debts of the Company and the Costs of winding it up, and it may, in making a Call, take into considera-
 25 tion the Probability that some of the Contributories upon whom the same is made may partly or wholly fail to pay their respective Portions of the same.

Power of
Court to
make Calls.

XCIX. All Monies received under the Direction of the Court on account of the Sale or Conversion of any of the Assets of the Company, or in respect of Calls made on any Contributories, or of
 30 any other Matter, with the Exception of such Balance, if any, as the Official Liquidators may, with the Sanction of the Court, retain in their Hands for the Payment of current Expenses, shall in England be paid into the Bank of England or some Branch thereof, and in
 Ireland into the Bank of Ireland or some Branch thereof, and in
 35 Scotland into one of the incorporated or chartered Banks in Scotland, to the Credit of such Account as the Court may direct; and no Money standing to such Account shall be paid out by the Bank except upon Cheques signed in such Manner as the Court directs.

Payment of
Money into
the Bank.

C. The Court may, at any Time after the Presentation of a
 40 Petition for winding up any Company, and either before or after

Power of
Court to

grant In-
junction or
Interdict.

making an Order for winding up the same, upon the Application by Motion of any Creditor or Contributory of such Company, restrain further Proceedings in any Action or Suit against the Company, or appoint a Receiver of the Estate and Effects of the Company; it may also, by Notice or Advertisement, require all Creditors to pre- 5
sent and prove their Claims within a certain Time, or be precluded from the Benefit of any Distribution which may be made before such Claim is proved.

Power of
Court to stay
Proceedings.

CI. The Court may, at any Time after an Order or Decree has been made for winding up any Company, upon the Application 10
by Motion of any Creditor or Contributory of the Company, and upon Proof to the Satisfaction of the Court that all Proceedings in relation to such Winding-up ought to be stayed, make an Order staying the same, either altogether or for a limited Time, on such Terms and subject to such Conditions as it deems fit. 15

Power of
Court to ad-
just Rights
of Contribu-
tories.

CII. As soon as the Creditors are satisfied, the Court shall proceed to adjust the Rights of the Contributories amongst them-
selves, and to distribute any Surplus that may remain amongst the Parties entitled thereto, and for the Purposes of such Adjustment it may make Calls on the Contributories to the Extent of their 20
Liability for Payment of such Sums as it deems necessary; and it may, in making a Call, take into consideration the Probability that some of the Contributories upon whom the same is made may partly or wholly fail to pay their respective Portions of the same.

Power of
Court to
order Costs.

CIII. The Court may make such Order as to the Priority and 25
Payment out of the Estate of the Company of the Costs, Charges, and Expenses incurred in winding up any Company as it thinks just.

Official Liquidators.

Appoint-
ment of
Official
Liquidators.

CIV. For the Purpose of conducting the Proceedings in winding up a Company under this Act, and assisting the Court therein, there 30
shall be appointed by the Court a Person or Persons to be called an Official Liquidator or Official Liquidators.

Proviso as to
Appoint-
ment of
Liquidators
by Court.

CV. The Court shall, in the Appointment of an Official Liqui-
dator or Official Liquidators, consult the Interests of both the Creditors and Contributories, and hear such Creditors or Contributories as it 35
thinks fit to hear with respect to such Appointment. It may, unless both the Creditors and Contributories concur in the Appointment of a single Liquidator, appoint One or more Liquidator or Liquidators to act on behalf of each of such Parties. It may declare that, in case
of

of Difference, any Act may be done by a Majority of Liquidators; or it may require the Liquidators in all Cases of Difference to apply to the Court. It may do anything hereby authorized to be done, either upon the First Appointment of a Liquidator or at any subsequent Stage of the Winding-up; but, notwithstanding anything herein contained, it shall not be obligatory on the Court to appoint more than One Liquidator, if in its Discretion it thinks that such Appointment will be most conducive to Justice.

CVI. The Official Liquidators or Liquidator shall be described by the Style of the Official Liquidators or Official Liquidator of the particular Company in respect of which they or he are or is appointed, and not by their or his individual Names or Name; they or he shall take into their or his Custody all the Property, Effects, and Things in Actions of the Company, and shall perform such Duties in reference to the winding up of the Company as may be imposed by the Court.

Style and
Duties of
Official
Liquidators.

CVII. The Official Liquidators shall have Power, with the Sanction of the Court, to do the following Things:

Powers of
Official
Liquidators.

To bring or defend any Action, Suit, or Prosecution, or other legal Proceeding, Civil or Criminal, in the Name and on behalf of the Company:

To carry on the Business of the Company, so far as may be necessary for the beneficial Winding-up of the same:

To sell the Real and Personal and Heritable and Moveable Property, Effects, and Things in Action of the Company by Public Auction or Private Contract, with Power, if they think fit, to transfer the whole thereof to any Person or Company, or sell the same in Parcels:

To execute, in the Name and on behalf of the Company, all Deeds, Receipts, and other Documents they may think necessary, and for that Purpose to use, when necessary, the Company's Seal:

To refer Disputes to Arbitration, and compromise any Debts or Claims due to or from the Company from or to any other Person, including any Contributory or alleged Contributory:

To prove, claim, rank, and draw a Dividend, in the Matter of the Bankruptcy or Insolvency or Sequestration of any Contributory, for any Balance against the Estate of such Contributory, and to take and receive Dividends in respect of such Balance, in the Matter of Bankruptcy or Insolvency or Sequestration, as a separate Debt due from such Bankrupt or Insolvent, and rateably with the other separate Creditors:

To draw, accept, make, and endorse any Bill of Exchange or Promissory Note, and also to raise upon the Security of the Assets

of the Company from Time to Time any requisite Sum or Sums of Money ; and the drawing, accepting, making, or endorsing of every such Bill of Exchange or Promissory Note as aforesaid on behalf of the Company shall have the same Effect with respect to the Liability of such Company as if such Bill or Note had 5 been drawn, accepted, made, or endorsed by such Company in the course of carrying on the Business thereof :

To do and execute all such other Things as may be necessary for winding up the Affairs of the Company and distributing its Assets. 10

Appoint-
ment of
Solicitor to
Official
Liquidators.

CVIII. The Official Liquidators may, with the Approval of the Court, appoint a Solicitor or Law Agent, and such Clerks or Officers as may be necessary to assist them in the Performance of their Duties : There shall be paid to such Solicitor or Law Agent, Clerks and Officers, such Remuneration by way of Fees or otherwise as may be 15 allowed by the Court.

Remunera-
tion of
Official
Liquidators.

CIX. There shall be paid to the Official Liquidators such Salary or Remuneration, by way of Per-centage or otherwise, as the Court may direct.

Dissolution
of Company.

CX. When the Affairs of the Company have been completely 20 wound up, the Court shall make an Order or Decree declaring the Company to be dissolved from the Date of such Order or Decree, and the Company shall be dissolved accordingly.

Registrar
to make
Minute of
Dissolution
of Company.

CXI. Any Order or Decree so made shall be reported by the Official Liquidators to the Registrar, who shall make a Minute 25 accordingly in his Books of the Dissolution of such Company.

Power of
Lord
Chancellor
of Great
Britain to
make Rules.

CXII. In England, the Lord Chancellor of Great Britain, with the Advice and Consent of the Master of the Rolls and any One of the Vice-Chancellors for the Time being, or with the Advice and Consent of any Two of the Vice-Chancellors, may, as often as Circumstances 30 require, make such Rules concerning the Mode of proceeding to be had for winding up any Company registered under this Act in the Court of Chancery as may from Time to Time seem necessary ; but, until such Rules are made, the general Practice of the Court of Chancery, including the Practice hitherto in use in winding up 35 Companies, shall, so far as the same is applicable, and not inconsistent with this Act, apply to all Proceedings for winding up a Company, and Official Liquidators shall be considered as occupying in all respects the Place of an Official Manager.

CIX. In

CXIII. In Ireland, the Lord Chancellor of Ireland may, as respects the winding up of Companies in Ireland, with the Advice and Consent of the Master of the Rolls in Ireland, exercise the same Power of making Rules as is by this Act herein-before given to the Lord Chancellor of Great Britain; but, until such Rules are made, the general Practice of the Court of Chancery in Ireland, including the Practice hitherto in use in Ireland in winding up Companies, shall, so far as the same is applicable, and not inconsistent with this Act, apply to all Proceedings for winding up a Company, and Official Liquidators shall in all respects be considered as occupying the Place of an Official Manager.

Power of
Lord Chan-
cellor of
Ireland to
make Rules.

CXIV. In Scotland the Court of Session may, by Act of Sederunt, exercise the same Power of making Rules of Practice as is herein-before given to the Lord Chancellor of Great Britain as regards England, but, until such Rules are made, the general Practice of the Court of Session in Suits pending in such Court shall, so far as the same is applicable, and not inconsistent with this Act, apply to all Proceedings for winding up a Company, and Official Liquidators shall in all respects be considered as possessing the same Powers as any Trustee on a Bankrupt Estate.

Power of
Court of
Session in
Scotland
to make
Rules.

CXV. The Lord Chancellor of Great Britain as respects the Court of Chancery in England, the Lord Chancellor of Ireland as respects the Court of Chancery in Ireland, the Court of Session in Scotland by Act of Sederunt as respects Proceedings in such Court, may make Rules specifying the Fees to be paid in respect of Proceedings taken under this Act for winding up a Company in such Courts respectively, and the Fees so paid in any Court of Chancery or Bankruptcy shall be applied in the Manner in which Fees taken in such Courts in ordinary Proceedings are applied.

Rules with
respect to
Fees.

Voluntary Winding-up of Company.

CXVI. Any Company registered under this Act may be wound up voluntarily,

Circum-
stances under
which Com-
pany may be
wound up
voluntarily.

- (1.) Whenever the Period, if any, fixed for the Duration of the Company by the Regulations of the Company expires, or whenever the Event, if any, occurs, upon the Occurrence of which it is provided by the Regulations of the Company that the Company is to be dissolved :
- (2.) Whenever the Company in General Meeting has passed a Special Resolution requiring the Company to be wound up voluntarily.

Whenever a Company is wound up voluntarily the Company shall, from the Date of the Commencement of such Winding-up, cease to carry on its Business, except in so far as may be required for the beneficial Winding-up thereof, but its Corporate State and all its Corporate Powers shall, notwithstanding any Provision to the contrary in its Articles of Association, continue until the Affairs of the Company are wound up.

Notice of
Resolution,
to wind up
voluntarily.

CXVII. Notice of any Special Resolution to wind up a Company voluntarily shall be given, as respects Companies registered in England, in the London Gazette, as respects Companies registered in Scotland in the Edinburgh Gazette, and as respects Companies registered in Ireland in the Dublin Gazette.

Conse-
quences of
voluntary
winding-up.

CXVIII. The following Consequences shall ensue upon the voluntary Winding-up of a Company :

- (1.) The Property of the Company shall be applied in satisfaction of its Liabilities, and, subject thereto, shall, unless it be otherwise provided by the Regulations of the Company, be distributed amongst the Members in proportion to their Interests :
- (2.) Liquidators shall be appointed for the Purpose of winding up the Affairs of the Company and distributing the Property :
- (3.) The Company in General Meeting may appoint such Person or Persons as it thinks fit to be a Liquidator or Liquidators and may fix the Remuneration to be paid to them :
- (4.) If One Person only is appointed, all the Provisions herein contained in reference to several Liquidators shall apply to him :
- (5.) When several Liquidators are appointed, every Power hereby given may be exercised by any Two of them :
- (6.) The Liquidators may at any Time after the passing of the Resolution for winding up the Company, and before they have ascertained the Sufficiency of the Assets of the Company, or the Debts in respect of which the several Classes of Contributories are liable, call on all or any of the Contributories to the Extent of their Liability to pay all or any Sums they deem necessary to satisfy the Debts of the Company and the Costs of winding it up, and they may in making a Call take into consideration the Probability that some of the Contributories upon whom the same is made may partly or wholly fail to pay their respective Portions of the same :
- (7.) The Liquidators shall have all Powers herein-before vested in Official Liquidators, and may exercise the same without the Intervention of the Court :

(8.) All

- (8.) All Books, Papers, and Documents in the Hands of the Liquidators shall at all reasonable Times be open to the Inspection of the Members :
- 5 (9.) When the Creditors are satisfied, the Liquidators shall proceed to adjust the Rights of the Contributories amongst themselves, and for the Purposes of such Adjustment they may make Calls on all the Contributories to the Extent of their Liability for any Sums they may deem necessary, and they may in making a Call take into consideration the Probability
- 10 that some of the Contributories upon whom the same is made may partly or wholly fail to pay their respective Portions of the same :
- (10.) As soon as the Affairs of the Company are fully wound up, the Liquidators shall make up an Account showing the
- 15 Manner in which such Winding-up has been conducted, and the Property of the Company disposed of; and such Account, with the Vouchers thereof, shall be laid before such Person or Persons as may be appointed by the Company to inspect the same; and upon such Inspection being concluded the Liqui-
- 20 dators shall proceed to call a General Meeting of the Members for the Purpose of considering such Account; but no such Meeting shall be deemed to be duly held unless One Month's previous Notice, specifying the Time, Place, and Object of such Meeting, has been published, as respects Companies registered in England in the London Gazette, and as respects
- 25 Companies registered in Scotland in the Edinburgh Gazette, and as respects Companies registered in Ireland in the Dublin Gazette :
- (11.) Such General Meeting shall not enter upon any Business
- 30 except the Consideration of the Account; but the Meeting may proceed to the Consideration thereof, notwithstanding the Quorum required by any Regulation of the Company to be present at General Meetings is not present thereat; and if, on consideration, the Meeting is of opinion that the Affairs
- 35 of the Company have been fairly wound up, they shall pass a Resolution to that Effect, and thereupon the Liquidators shall publish a Notice of such Resolution, as respects Companies registered in England in the London Gazette, and as respects Companies registered in Scotland in the Edinburgh
- 40 Gazette, and as respects Companies registered in Ireland in the Dublin Gazette, and shall also make a Return to the Registrar of such Resolution, and on the Expiration of One Month from the Date of the Registration of such Return the Company shall be deemed to be dissolved :

(12.) If within One Year after the passing of a Resolution for a Winding-up the Affairs of the Company such Affairs are not wound up, the Liquidators shall immediately thereafter make up an Account showing the State of the Affairs and the Progress which has been made in winding up down to that 5 Date, and they shall add thereto a Report stating the Reason why the Winding-up has not been completed, and a General Meeting shall be called to consider the same, and so on from Year to Year until the Winding-up of the Affairs of the Company is completed: 10

All Costs, Charges, and Expenses properly incurred in the voluntary Winding-up of a Company, including the Remuneration of the Liquidators, shall be payable out of the Assets of the Company in priority to all other Claims. 15

Saving of
Rights of
Creditors.

CXIX. The voluntary Winding-up of a Company shall not prejudice 15 the Right of any Creditor of such Company to institute Proceedings for the Purpose of having the same wound up by the Court.

Power for
Liquidators
to accept
Shares, &c.
as a Consi-
deration
for Sale of
Property
of Company.

CXX. Where an Insurance Company is being wound up voluntarily, 20 and the whole or a Portion of its Business or Property is about to be sold to another Company, registered under this Act, the Liquidators of 20 the first-mentioned Company may, with the Sanction of a Special Resolution of the Company by whom they were appointed, receive in Compensation or Part Compensation for such Sale, Shares, Policies, or other like Interests in such other Company, for the Purpose of Distribution amongst the Members of the Company being wound up, 25 or may enter into any other Arrangement whereby the Members of the Company being wound up may, in lieu of receiving Cash or Shares, or in addition thereto, participate in the Profits of or receive any other 30 Benefit from the purchasing Company; and any Sale made or Arrangement entered into by the Liquidators in pursuance of this Section shall be binding on the Members of the Company being wound up, subject to this Proviso, that if any Member of the Com- 35 pany being wound up who has not voted in favour of the Special Resolution passed by his Company at either of the Meetings held for passing the same expresses his Dissent from any such Special Resolu- 35 tion in Writing addressed to the Liquidators or One of them, and left at the registered Office of the Company, not later than Seven Days after the Date of the last of the Meetings at which such Special Resolution was passed, such dissentient Member may require the Liquidators to do such One of the following Things as they may 40 prefer, that is to say, either to abstain from carrying such Resolution into effect, or to purchase the Interest held by such dissentient Member at such Price as may be agreed upon or settled by Arbi-

H. (21)

Arbitration,

tration, such Purchase Money to be paid before the Company is dissolved, and to be raised by the Liquidators in such Manner as may be determined by special Resolution.

CXXI. In the Case of a Company being wound up voluntarily, the
 5 Liquidators may, from Time to Time, during the Continuance of such Winding-up, summon General Meetings of the Company for the Purpose of obtaining the Sanction of the Company by a Special Resolution, or for such other Purposes as they think fit.

Power of Liquidators to call General Meeting.

CXXII. Where a Company is in course of being wound up voluntarily, and Proceedings are taken for the Purpose of having the same
 10 wound up by the Court, the Court may, if it thinks fit, notwithstanding that it makes an Order directing the Company to be wound up by the Court, provide in such Order or in any other Order for the Adoption of all or any of the Proceedings taken in the course of the
 15 voluntary Winding-up: It may also, instead of making an Order that the Company should be altogether wound up by the Court, direct that the voluntary Winding-up should continue, but subject to such Supervision of the Court, and with such Liberty for Creditors, Contributories, or others to apply to the Court, and
 20 generally upon such Terms and subject to such Conditions as the Court thinks just.

Power of Court to adopt Proceedings of voluntary Winding-up.

CXXIII. If the Liquidators make default in reporting to the Registrar, in the Case of a Company being wound up by the Court, the Decree declaring the Company to be dissolved, and in the Case of a
 25 Company being wound up voluntarily, the Resolution declaring the Company to have been fairly wound up, they shall be liable to a Penalty not exceeding Five Pounds for every Day during which they are so in default, and moreover shall not, while so in default, be entitled to recover any Compensation for their Services as
 30 Liquidators.

Penalty on Liquidators not reporting Dissolution of Company to Registrar.

CXXIV. If at the Expiration of Twelve Months from the Date of the Dissolution of any Company that has been wound up under this
 Act there remain in the Hands of the Liquidators any Money, Shares, or other Property which they have been unable, by reason
 35 of the Absence or Death of any Person entitled thereto, or for any other Reason, to distribute amongst the Parties so entitled, the Liquidators shall be deemed to be Trustees of such Monies, Shares, or other Property, within the Meaning of an Act passed in the Eleventh Year of the Reign of Her present Majesty, Chapter Ninety-
 40 six, and intituled "An Act for better securing Trust Funds, and for "the Relief of Trustees," and of any Act amending the same, and may pay or transfer such Monies, Shares, or other Property into the Court of Chancery accordingly.

Remedy for Liquidators having in their Hands undistributed Assets of the Company.

PART V.

REGULATIONS APPLICABLE TO ALL LIFE INSURANCE COMPANIES.

Account to
be rendered
by Life
Insurance
Companies.

CXXV. Every existing or future Company, whether registered or not under this Act, carrying on the Business of Insurance on Human Lives, and not being a Company for the Time being subject to the Acts relating to Friendly Societies, shall, at such Periods as are hereinafter mentioned, render an Account, specifying the following Matters; that is to say,

- (1.) A Table of annual Premiums used by the Company on granting Assurances during the Period over which the Account extends for the whole Term of Life, distinguishing Assurances with Profit from Assurances without Profits, and ranging from Age Twenty to Age Sixty-five: 10
- (2.) The gross Sum assured on Lives for the whole Term of Life in existence on the Day when the Account is closed, distinguishing the gross Sum assured on Lives according to the Ages at the Date of Account on each Decade of Life, from the youngest to the oldest Ages: 15
- (3.) The net Amount of annual Premiums receivable in respect of Assurances mentioned under the last Head: 20
- (4.) The gross Amount of all Sums assured for other Periods or on other Contingencies than expressed in Number Two:
- (5.) The gross Amount of annual Premiums receivable in respect of Assurances mentioned under the last Head:
- (6.) The gross Amount of all reversionary Additions made to Policies, distinguishing the Sums dependent on Lives, according to the Ages and Date of Account at each Decade of Life, from the youngest to the oldest Ages: 25
- (7.) The Amount of Deduction by way of Bonus or otherwise allowed from Premiums under the Participation Scheme, during the Period over which the Accounts extend, stating each Year separately: 30
- (8.) The gross Amount, if any, of Annuities payable on Lives, distinguishing the Sums payable on Lives in each Decade of Life, according to the Age and Date of Account: 35
- (9.) The gross Amount of annual or other Premiums, if any, receivable in respect of the Amounts mentioned under the last-mentioned Head:
- (10.) A Statement of any other Classes of Liabilities or Engagements to which the Company may be subject, specifying their Nature and Amount: 40

The Account required to be given by this Section shall be rendered once at least in every Period of Five Years in the Case of a future Company, and once at the least in every Period of Seven Years in the Case

Case of a Company existing at the Time of the passing of this Act. It shall be signed by all the Directors or Managers of the Company, if the Directors or Managers are not more in Number than Three, but if they are more, then by Three at the least of such Directors
 5 or Managers : Provided, that in the Case of a Company carrying on the Business of Insurance on Lives in common with other Business, the Accounts required to be given by this Section shall extend only to Liabilities and Engagements depending on Life, and to the Capital available for discharging the same.

- 10 CXXXVI. The Accounts hereby required to be given shall be printed: Copies shall be sent to every Member, and to the Registrar of Joint Stock Companies, whose Duty it shall be to register the
 Copies so sent. Copies of Accounts to be sent to every Member.

- CXXXVII. If any Insurance Company makes default in preparing such
 15 Accounts as aforesaid, each Director or Manager of the Company, or if there are no Directors or Managers the Company itself, shall be liable to a Penalty not exceeding Five Pounds for every Day during which such Default continues ; and if any Company makes default in sending Copies of such Accounts to the Registrar, each Director or
 20 Manager, or if there are no Directors or Managers the Company itself, shall be liable to any Penalty not exceeding Five Pounds for every Day during which such Default continues. Penalty on Company making default with respect to Accounts.

SCHEDULE.

Section
VII.

FORM A.

Proprietary.

Memorandum of Association of the "National Insurance Company."

1st. The Name of the Company is "The National Insurance Company."

2d. The registered Office of the Company is to be established in England.

3d. The Object for which the Company is established is "the effecting Insurances on Lives or Survivorships, or on any Continuances relating to or connected with Lives or Survivorships."

5th. The nominal Capital of the Company is Two hundred thousand Pounds, divided into One thousand Shares of Two hundred Pounds each.

We, the several Persons whose Names and Addresses are subscribed, are desirous of being formed into a Company, in pursuance of this Memorandum of Association, and we respectively agree to take the Number of Shares in the Capital of the Company set opposite our respective Names.

Names and Addresses of Subscribers.			Number of Shares taken by each Subscriber.
" 1. John Jones of	in the County of	-	200
" 2. John Smith of	in the County of	-	25
" 3. Thomas Green of	in the County of	-	30
" 4. John Thompson of	in the County of	-	40
" 5. Caleb White of	in the County of	-	15
" 6. Andrew Brown of	in the County of	-	5
" 7. Caesar White of	in the County of	-	10
Total Shares taken			325

Dated the 22d Day of November 1855.

Witness to the above Signatures,

A.B., No. 13, Hute Street, Clerkenwell, Middlesex.

FORM B.

Mutual.

MEMORANDUM of ASSOCIATION of the "London Mutual Insurance Company."

1st. The Name of the Company is "The London Mutual Insurance Company."

2d. The registered Office of the Company is to be situate in England.

3d.

3d. The Object for which the Company is established is "to insure the Ships of Members of the Company against all Losses, Perils, and Damages."

4th. The Number of Members of the Company is to be Five hundred.

We, the several Persons whose Names and Addresses are subscribed, are desirous of being formed into a Company, in pursuance of this Memorandum of Association, and of the accompanying Articles of Association.

Names and Addresses of Subscribers.

- " 1. John Jones of in the County of
 " 2. John Smith of in the County of
 " 3. Thomas Green of in the County of
 " 4. John Thompson of in the County of
 " 5. Caleb White of in the County of
 " 6. Andrew Brown of in the County of
 " 7. Cæsar White of in the County of

Dated the 22d Day of November 1856.

Witness to the above Signatures,

A.B., No. 13, Hute Street, Clerkenwell, Middlesex.

TABLE C.

Table of Fees.

Section
XII.

For Registration of a Company whose nominal Capital does not exceed 1,000 <i>l</i> .	£	s.	d.
	-	5	0 0
For every 1,000 <i>l</i> . of nominal Capital, or Part of 1,000 <i>l</i> ., after the first 1,000 <i>l</i> ., and up to 100,000 <i>l</i> ., an additional Fee of	-	0	5 0
For every 1,000 <i>l</i> . or Part of 1,000 <i>l</i> . after the first 100,000 <i>l</i> ., an additional Fee of	-	0	1 0
For Registration of any Increase in the Capital of a Company, for every 1,000 <i>l</i> . or Part of 1,000 <i>l</i> ., up to 100,000 <i>l</i> . in the whole	-	0	5 0
For every 1,000 <i>l</i> . or Part of 1,000 <i>l</i> . beyond the first 100,000 <i>l</i> . an additional Fee of	-	0	1 0
For registering any Document hereby required or authorized to be registered, other than the Memorandum of Association	-	0	5 0
For making a Record of any Fact hereby authorized or required to be recorded by the Registrar of Companies, a Fee of	-	0	5 0

TABLE D.

Table of Fees.

For Registration of a Company whose proposed Number	£	s.	d.
of Members does not exceed 100	5	0	0
For every additional 50 Members or Number less than 50			
after the first 100, an additional Fee of	0	5	0
For Registration of a Company the Number of whose			
Members is unlimited, a Fee of	50	0	0
For registering any Document hereby required or autho-			
rized to be registered, other than the Memorandum of			
Association	0	5	0
For making a Record of any Fact hereby authorized or			
required to be recorded by the Registrar of Companies,			
a Fee of	0	5	0
Documents, per Folio	0	0	6

FORM E.

Section
XLII.*For England and Ireland.*

Indenture of Mortgage made between the "London Mutual Insurance Company" of the one Part, and "John Smith" of the other Part.

Whereas the said "John Smith" has advanced to the said Company the Sum of One thousand Pounds, on condition that the Company will repay the same to him on the First Day of January next, with Interest thereon in the meantime at the Rate of Five Pounds per Centum; and in the event of their not repaying the same on the said First of January will, so long as the same remains unpaid, pay Interest thereon at the Rate of Five Pounds per Centum by equal half-yearly Payments on the First Day of July and the First Day of January in every Year:

Now it is hereby witnessed, that for securing the said Advance and Interest the Company hereby grant to the said "John Smith" and his Heirs all the Lands described in the Schedule hereto, with all their actual and reputed Appurtenances; and it is hereby declared, that if the Company fails in paying the whole of the Principal and Interest Monies hereby secured on the said First of January, the said "John Smith," or any Person for the Time entitled to such Monies, may, at any Time thereafter, upon giving to the Company Three Months Notice

Notice, sell the said mortgaged Lands, and reimburse himself out of the Monies arising from the Sale all Sums due on this Security, and all Expenses incurred by him in respect of such Sale, rendering the Surplus, if any, to the Company or their Assigns. The Condition as to Notice shall apply only between the Parties to this Indenture, and shall not affect a Purchaser, a Sale to whom shall be valid notwithstanding such Notice may not have been given.

In witness, &c.

FORM F.

Section
XLIII.

For Scotland.

Bond and Disposition in Security by the "Edinburgh Insurance Company" to "John Smith."

Whereas the said "John Smith" has advanced to the said Company the Sum of One thousand Pounds, on condition that the Company will repay the same to him on the First Day of January next, with Interest thereon in the meantime at the Rate of Five Pounds per Centum; and in the event of their not repaying the same on the said First of January will, so long as the same remains unpaid, pay Interest thereon at the Rate of Five Pounds per Centum by equal half-yearly Payments on the First Day of July and the First Day of January in every Year:

Therefore, for securing the said Advance and Interest, the said Company hereby dispoise to the said "John Smith," and his Heirs and Assignees whomsoever, all and whole (describe the Lands); and it is hereby declared that if the Company fails in paying the whole of the Principal and Interest Monies hereby secured on the said First of January, the said "John Smith," or any Person for the Time entitled to such Monies, may, at any Time thereafter, upon giving to the Company Three Months Notice, sell the said Lands, and reimburse himself out of the Monies arising from the Sale all Sums due on this Security, and all Expenses incurred by him in respect of such Sale, rendering the Surplus, if any, to the Company or their Assigns: The Condition as to Notice shall apply only between the Parties to this Indenture, and shall not affect a Purchaser, a Sale to whom shall be valid notwithstanding such Notice may not have been given.

In witness whereof.

(To be tested and signed in common Form.)

Insurance Companies.

A

B I L L

[AS AMENDED IN COMMITTEE]

For the Incorporation and Regulation of
Insurance Companies.

*(Prepared and brought in by
Mr. Wilson, the Chancellor of the Exchequer, and
Mr. Lowe.)*

*Ordered, by The House of Commons, to be Printed,
27 July 1857.*

[Bill 159.]

Under 5 oz.

Insurance Companies Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Sect.		Corresponding Sections in Joint Stock Companies Acts, 1856, 1857.
	Preamble.	
1.	Short Title of Act - - - -	
2.	Definition of Proprietary and Mutual Company - - - -	
3.	Definition of Registrar - - - -	
4.	Prohibition of Insurance Partnerships ex- ceeding a certain Number - - - -	20 Vict. c. 47. s. 4.

PART I.

EXISTING INSURANCE COMPANIES.

Registration.

5.	Compulsory Registration of certain Insurance Companies - - - -	
6.	Penalty on Company not registering - - - -	21 Vict. c. 14. s. 28.
7.	Permissive Registration of other Insurance Companies - - - -	21 Vict. c. 14. s. 29.
8.	Requisitions for Registration by existing Pro- prietary Companies - - - -	20 Vict. c. 47. s. 111.
9.	Requisitions for Registration by existing Mutual Companies - - - -	
10.	Power for existing Company to register Amount of Stock instead of Shares - - - -	21 Vict. c. 14. s. 30.
11.	Authentication of Statements of existing Companies - - - -	20 Vict. c. 47. s. 112.
12.	Certificate of Registration of existing Com- panies - - - -	20 Vict. c. 47. s. 113.
13.	Certificate to be Evidence of Compliance with Act - - - -	20 Vict. c. 47. s. 115.
14.	Power of Board of Trade, in certain Instances, to modify Provisions with respect to exist- ing Companies - - - -	
15.	Effect of Registration on Deeds, &c. of Company - - - -	
16.	Provisions of 11 Vict. c. 45., 12 & 13 Vict. c. 108., 7 & 8 Vict. c. 111., and 8 & 9 Vict. c. 98. not to apply to Companies registered under Act - - - -	20 Vict. c. 47. s. 108.
17.	Registration under this Act not to affect Obli- gations incurred previously to Registration	
18.	Saving of Liabilities of Persons who were Members before Registration under Act - - - -	
19.	Continuation of existing Actions and Suits	
20.	Transfer of Trust Property to Company - - - -	

Sect.

PART II.

CONSTITUTION AND INCORPORATION OF FUTURE INSURANCE COMPANIES

Registry.

21. Company formed by Memorandum of Association and Registration - - -	20 Vict. c. 47. s. 3.
22. Matters required to be prescribed by Memorandum of Association of a Proprietary Company - - -	20 Vict. c. 47. s. 5.
23. Matters required to be prescribed by Memorandum of Association of Mutual Company	
24. Prohibition against Identity of Names in registered Companies - - -	20 Vict. c. 47. s. 6.
25. Form of Memorandum of Association -	20 Vict. c. 47. s. 7.
26. Shares to be taken by Subscribers of Memorandum of Association - - -	20 Vict. c. 47. s. 8.
27. Regulations to be prescribed by Articles of Association - - -	20 Vict. c. 47. s.
28. Stamp on Memorandum of Association and Articles of Association - - -	20 Vict. c. 47. s. 11.
29. Registration of Memorandum of Association and Articles of Association - -	20 Vict. c. 47. s. 12.
30. Effect of Registration - - -	10 Vict. c. 47. s. 13.
31. Issue of Shares by Proprietary Company -	20 Vict. c. 47. s. 15.

PART III.

REGISTER OF MEMBERS.

32. Register of Members of Proprietary Company	20 Vict. c. 47. s. 16.
33. Annual List of Members of Proprietary Company - - -	20 Vict. c. 47. s. 17.
34. Penalty on Proprietary Company not keeping proper Register - - -	20 Vict. c. 47. s. 18.
35. Register of Members of Mutual Company -	
36. Penalty on Mutual Company not keeping proper Register - - -	20 Vict. c. 47. s. 18.
37. Notice of Trust not entered on Register -	20 Vict. c. 47. s. 19.
38. Restrictive Definition of Member - - -	20 Vict. c. 47. s. 19.
39. Transfer of Shares in Proprietary Company	20 Vict. c. 47. s. 20.
40. Inspection of Register - - -	20 Vict. c. 47. s. 23.
41. Power to close Register - - -	20 Vict. c. 47. s. 24.
42. Remedy for improper Entry or Omission of Entry on Register - - -	20 Vict. c. 47. s. 95.
43. Register to be Evidence - - -	20 Vict. c. 47. s. 26.
44. Copies of Memorandum and Articles of Association to be given to Shareholders -	20 Vict. c. 47. s. 27.

PART

Sect.

PART IV.

MANAGEMENT AND ADMINISTRATION OF COMPANIES.

General.

45. Registered Office of Company	-	-	20 Vict. c. 47. s. 28.
46. Notice of Situation of registered Office	-	-	20 Vict. c. 47. s. 29.
47. General Meeting of Company	-	-	20 Vict. c. 47. s. 32.
48. Power of Company to alter Regulations by Special Resolution	-	-	20 Vict. c. 47. s. 33.
49. Definition of Special Resolution of Proprietary Company	-	-	20 Vict. c. 47. s. 34.
50. Definition of Special Resolution of Mutual Company	-	-	
51. Registry of Special Resolution	-	-	12 Vict. c. 47. s. 35.
52. Copies of Special Resolutions	-	-	20 Vict. c. 47. s. 36.
53. Notice to Registrar of Increase of Capital in Proprietary Company and of Number in Mutual Company	-	-	20 Vict. c. 47. s. 37.
54. Prohibition against carrying on Business with less than Seven Members	-	-	20 Vict. c. 47. s. 39.
55. Evidence of Proceedings at Meetings	-	-	20 Vict. c. 47. s. 40.

Legal Instruments of Company.

56. Contracts how made	-	-	20 Vict. c. 47. s. 41.
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Deeds.

57. Execution of Deeds abroad	-	-	20 Vict. c. 47. s. 42.
58. Mortgages according to English Law	-	-	20 Vict. c. 47. s. 44.
59. Bond and Disposition in Security according to Scotch Law	-	-	20 Vict. c. 47. s. 45.
60. Conveyances according to English Law	-	-	20 Vict. c. 47. s. 46.
61. Disposition in Security according to Scotch Law	-	-	20 Vict. c. 47. s. 47.

Examination of Affairs of Company

62. Examination of Affairs of Company by Inspectors appointed by the Board of Trade	-	-	20 Vict. c. 47. s. 48.
63. Power of Inspectors	-	-	20 Vict. c. 47. s. 49.
64. Result of Examination how dealt with	-	-	20 Vict. c. 47. s. 50.
65. Power of Company to appoint Inspectors	-	-	20 Vict. c. 47. s. 51.
66. Report of Inspectors to be Evidence	-	-	20 Vict. c. 47. s. 52.

Legal Proceedings.

67. Recovery of Penalties	-	-	20 Vict. c. 47. s. 56.
68. Application of Penalties.	-	-	20 Vict. c. 47. s. 57.

Alteration of Forms.

69. Board of Trade may alter Forms in Schedule		20 Vict. c. 47. s. 58.
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Sect.

PART V.

WINDING-UP.

Preliminary.

70. Application of Part V. of Act - - -	20 Vict. c. 47. s. 59.
71. Definition of "the Court" - - -	20 Vict. c. 47. s. 60.
72. Liabilities of Members of Company to general Creditor - - -	20 Vict. c. 47. s. 61.
73. Liabilities of Members of Company between themselves - - -	
74. Proviso for Special Contract - - -	20 Vict. c. 47. s. 66.
75. Commencement of Winding-up of Company defined - - -	20 Vict. c. 47. s. 64.
76. Definition of "Contributory," and legal Character of his Liability - - -	20 Vict. c. 47. s. 65.

Winding-up by Court.

77. Circumstances under which Company may be wound up by Court - - -	20 Vict. c. 47. s. 67.
78. Company when deemed unable to pay its Debts - - -	20 Vict. c. 47. s. 68.
79. Application for Winding-up to be by Petition	20 Vict. c. 47. s. 69.
80. Course to be pursued by Court on Petition of a Creditor - - -	20 Vict. c. 47. s. 70.
81. Order for winding up Company on Cre- ditor's Petition - - -	20 Vict. c. 47. s. 71.
82. Course to be pursued by Court on Petition of Contributory - - -	20 Vict. c. 47. s. 72.
83. Effect of the Order for winding up Company	20 Vict. c. 47. s. 73.
84. Power of Court of Chancery to transmit Winding-up to Court of Bankruptcy - -	20 Vict. c. 47. s. 74.
85. Collection and Application of Assets - -	20 Vict. c. 47. s. 75.
86. Fraudulent Preference - - -	20 Vict. c. 47. s. 76.
87. Power of Court to summon Persons sus- pected of having Property of Company -	20 Vict. c. 47. s. 77.
88. Examination of Parties by Court - - -	20 Vict. c. 47. s. 78.
89. Penalty on Falsification of Books - - -	20 Vict. c. 47. s. 79.
90. Attachments, Sequestrations, and Execu- tions within Three Months of Petition to be void - - -	20 Vict. c. 47. s. 80.
91. Power to arrest Member about to abscond, or to remove or conceal any of his Property	21 Vict. c. 14. s. 11.
92. Arrested Member may apply to Court for his Discharge - - -	21 Vict. c. 14. s. 12.
93. Calls on Contributory to be Speciality Debts	21 Vict. c. 14. s. 13.
94. Books of Company to be Evidence - - -	20 Vict. c. 47. s. 81.
95. Power of Court to make Calls - - -	20 Vict. c. 47. s. 82.
96. Payment of Money into the Bank - - -	20 Vict. c. 47. s. 83.
97. Power of Court to grant Injunction or In- terdict - - -	20 Vict. c. 47. s. 84.
98. Power of Court to stay Proceedings - -	20 Vict. c. 47. s. 85.
99. Power of Court to adjust Rights of Contri- butories - - -	20 Vict. c. 47. s. 86.
100. Power of Court to order Costs - - -	20 Vict. c. 47. s. 87.

Official

Corresponding Sections in
Joint Stock Companies
Acts, 1856, 1857.

Sect.

Official Liquidators.

101. Appointment of Official Liquidators	-	20 Vict. c. 47. s. 88.
102. Proviso as to Appointment of Liquidators by Courts	- - -	21 Vict. c. 14. s. 14.
103. Style and Duties of Official Liquidators	-	20 Vict. c. 47. s. 89.
104. Powers of Official Liquidators.	-	20 Vict. c. 47. s. 90.
105. Appointment of Solicitor to Official Liquidators	- - -	20 Vict. c. 47. s. 91.
106. Remuneration of Official Liquidators	-	20 Vict. c. 47. s. 92.
107. Dissolution of Company	- - -	20 Vict. c. 47. s. 93.
108. Registrar to make Minute of Dissolution of Company	- - -	20 Vict. c. 47. s. 94.
109. Power of Lord Chancellor of Great Britain to make Rules	- - -	20 Vict. c. 47. s. 95.
110. Power of Lord Chancellor of Ireland to make Rules	- - -	20 Vict. c. 47. s. 96.
111. Power of Court of Session in Scotland to make Rules	- - -	20 Vict. c. 47. s. 97.
112. Rules with respect to Fees	-	20 Vict. c. 47. s. 100.

Voluntary Winding-up of Company.

113. Circumstances under which Company may be wound up voluntarily	-	20 Vict. c. 47. s. 102.
114. Notice of Resolution to wind up voluntarily	-	20 Vict. c. 47. s. 103.
115. Consequences of voluntary Winding-up	-	20 Vict. c. 47. s. 104.
116. Saving of Rights of Creditors	-	20 Vict. c. 47. s. 105.
117. Power for Liquidators to accept Shares, &c., as a Consideration for Sale of Property of Company	- - -	21 Vict. c. 14. s. 17.
118. Power of Liquidators to call General Meeting	-	21 Vict. c. 14. s. 18.
119. Power of Court to adopt Proceedings of voluntary Winding-up	-	21 Vict. c. 14. s. 19.
120. Penalty on Liquidators not reporting Disso- lution of Company to Registrar	-	21 Vict. c. 14. s. 20.
121. Remedy for Liquidators having in their Hands undistributed Assets of the Com- pany	- - -	21 Vict. c. 14. s. 21.

PART VI.

REGULATIONS APPLICABLE TO ALL LIFE INSURANCE COMPANIES.

122. Account to be rendered by Life Insurance Companies	- - -
123. Copies of Accounts to be sent to every Member	- - -
124. Penalty on Company making default with respect to Accounts	- - -

4 August 1857. 20 & 21 VICT.



A

B I L L

[AS AMENDED IN COMMITTEE AND ON
RE-COMMITMENT]

FOR

The Incorporation and Regulation of Insurance Companies.

WHEREAS it is expedient that further Provision should be made for the Incorporation and Regulation of Insurance Companies: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. This Act may be cited for all Purposes as "The Insurance Companies Act, 1857," and shall apply only to Companies carrying on the Business of Insurance, either alone or in common with other Business.

II. For the Purposes of this Act, a Proprietary Company shall mean either a Company having a permanent paid-up or nominal Capital of fixed Amount, divided into Shares, also of fixed Amount, and formed on the Principle of having for its Members the Holders of Shares in such Capital, or a Company having a permanent paid-up or nominal Capital of fixed Amount, not divided into Shares, but held and transferable by its Members as Stock, and formed on the Principle of having for its Members the Holders of such Stock: Every other Company shall be deemed to be a Mutual Company.

[Bill 176.]

A

III. When-

Definition of
Registrar.

III. Whenever any Act is herein directed to be done to or by the Registrar, such Act shall, until the Board of Trade otherwise directs, be done in England to or by the Registrar of Joint Stock Companies or in his Absence by the Assistant Registrar, in Scotland to or by the Registrar of Joint Stock Companies for 5 Scotland, and in Ireland to or by the Assistant Registrar of Joint Stock Companies for Ireland; but, in the event of the Board of Trade altering the Constitution of the existing Registry Office for Joint Stock Companies, such Act shall be done to or by such Officer or Officers and at such Place or Places with reference to the local 10 Situation of the registered Offices of the Companies to be registered as the Board of Trade may appoint.

Prohibition
of Insurance
Partnerships
exceeding a
certain
Number.

IV. After the passing of this Act not more than Twenty Persons shall, unless registered as a Company under this Act, form themselves into a Partnership for the Purpose of carrying on the Business of 15 Insurance, or if so hereafter formed carry on such Business, either alone or in common with any other Business.

PART I.

EXISTING INSURANCE COMPANIES.

Registration.

20

Compulsory
Registration
of certain
Insurance
Companies.

V. Every Company completely registered under an Act passed in the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and ten, intituled "An Act for the Registration, Incorporation, and Regulation of Joint Stock Companies," and carrying on the Business of Insurance, either alone or in common with other 25 Business, shall, on or before the First Day of January One thousand eight hundred and fifty-eight, register itself as a Company under this Act.

Penalty on
Company
not regis-
tering.

VI. If any Insurance Company completely registered under the said Act of the Eighth Year of the Reign of Her present Majesty, 30 Chapter One hundred and ten, makes default in registering under this Act on or before the said First Day of January One thousand eight hundred and fifty-eight, then, from and after such Day, until the Day on which such Company is registered under the Joint Stock Companies Acts, the following Consequences shall ensue; (that is 35 to say,)

(1.) The Company shall be incapable of suing either at Law or in Equity, but shall not be incapable of being made a Defendant to a Suit either at Law or in Equity:

(2.) No

(2.) No Dividend shall be payable to any Shareholder in such Company :

(3.) Each Director or Manager of the Company shall for each Day during which the Company is in default incur a Penalty of Five Pounds, and such Penalty may be recovered by any Person, whether a Shareholder or not in the Company, and be applied by him to his own Use :

Nevertheless such Default shall not render the Company so being in default illegal, nor subject it to any Penalty or Disability, other than as specified in this Section.

VII. Every Company existing at the Time of the passing of this Act, consisting of Seven or more Members, carrying on the Business of Insurance, either alone or in common with other Business, and not being a Company hereby required to be registered, may at any Time hereafter register itself as a Company under this Act.

Permissive
Registration
of other
Insurance
Companies.

VIII. Previously to the Registration under this Act of any existing Proprietary Company, there shall be delivered to the Registrar the following Documents ; that is to say,

Requisitions
for Regis-
tration
by existing
Proprietary
Companies.

(1.) In case of a Company completely registered under the said Act of the Eighth Year of Her present Majesty, Chapter One hundred and ten, a List showing the Names, Addresses, and Occupations of the Directors or Managers of the Company, if any, and also of all Persons who on a Day named in such List, and not being more than Three clear Days before the Day of Registration, were Members of such Company, with the Addition of the Shares held by such Persons respectively, distinguishing, in Cases where such Shares are numbered, each Share by its Number :

(2.) In the Case of any other Proprietary Company existing at the Time of the passing of this Act, and consisting of Seven or more Members, there shall be delivered to the Registrar such List of Members as herein-before mentioned, and also a Copy of any Act of Parliament, Royal Charter, Letters Patent, Deed of Settlement, Byelaws, or other Instrument constituting or regulating the Company.

IX. Previously to the Registration under this Act of any existing Mutual Company, there shall be delivered to the Registrar a List showing the Names, Addresses, and Occupations of the Directors or other Managers (if any) of the Company, also a Copy of any Act of Parliament, Letters Patent, Deed of Settlement, Byelaws, or other Instrument constituting or regulating the Company.

Requisitions
for Regis-
tration by
existing
Mutual
Companies.

X. Where an existing Proprietary Company, authorized to register under this Act, has had the whole or any Portion of its Capital converted

Power for
existing
Company to

register
Amount of
Stock in-
stead of
Shares.

converted into Stock, such Company shall, as to the Capital so converted, instead of delivering to the Registrar a Statement of Shares, deliver to the Registrar a Statement of the Amount of Stock belonging to the Company, and the Names of the Persons who were Holders of such Stock, on some Day to be named in the Statement, 5 not more than Three clear Days before the Day of Registration.

Authenti-
cation of
Statements
of existing
Companies.

XI. The Lists of Members and Directors and any other Particulars relating to the Company hereby required to be delivered to the Registrar shall be verified by a Declaration of the Directors of the Company delivering the same, or any Two of them, or of any 10 Two principal Officers of the Company, made in pursuance of the Act passed in the Sixth Year of the Reign of His late Majesty King William the Fourth, Chapter Sixty-two; but no Fees shall be charged in respect of the Registration under this Act of any Company existing at the Time of the passing of this Act. 15

Certificate of
Registration
of existing
Companies.

XII. Upon Compliance with the foregoing Requisitions, the Registrar shall certify under his Hand that the Company so applying for Registration is incorporated as a Company under this Act, and thereupon such Company shall be incorporated, and shall have a perpetual Succession and a Common Seal, with Power to hold Lands, 20 but with such Liability on the Part of the Members to contribute to the Assets of the Company in the event of the same being wound up as is herein-after mentioned, and all Provisions contained in any Act of Parliament, Royal Charter, Letters Patent, Deed of Settlement, Byelaws, or other Instrument constituting or regulating the 25 Company shall be deemed to be Regulations of the Company within the Meaning of this Act.

Certificate to
be Evidence
of Com-
pliance with
Act.

XIII. The Certificate of Incorporation given to any existing Company, in pursuance of this Act, shall be conclusive Evidence that all the Requisitions herein contained in respect of Registration under 30 this Act have been complied with, and that the Company is an Insurance Company within the Meaning of this Act, and the Date of such Certificate shall be deemed to be the Date at which the Company is incorporated under this Act.

Power of
Board of
Trade, in
certain In-
stances, to
modify Pro-
visions, with
respect to
existing
Companies.

XIV. If any existing Insurance Company hereby required or 35 authorized to be registered is, by reason of any special Circumstances attending its Constitution or Regulations, unable to comply with the Provisions of this Act relating to Registration, the Board of Trade may, on the Application of such Company, by any Writing under the Hand of One of its Secretaries, either dispense with its 40 Compliance with any One or more of the Provisions of this Act relating

relating to Registration, or it may empower such Company to make such Alterations in its Constitution or Regulations as will enable it to comply with the Provisions of this Act relating to Registration.

XV. Where any Insurance Company existing at the Time of the passing of this Act is registered under this Act, all such Provisions contained in any Act of Parliament, Royal Charter, Letters Patent, Byelaws, Deed of Settlement, or other Instrument constituting or regulating the Company, as are inconsistent with this Act, shall no longer apply to the Company so registered.

Effect of
Registration
on Deeds, &c.
of Company.

XVI. The following Acts, that is to say,

Provisions of
11 Vict. c. 45.,
12 & 13 Vict.
c. 108.,
7 & 8 Vict.
c. 111., and
8 & 9 Vict.
c. 98., not to
apply to
Companies
registered
under Act.

(1.) An Act passed in the Eleventh Year of the Reign of Her present Majesty, Chapter Forty-five, and intituled "An Act to amend the Acts for facilitating the Winding-up of the Affairs of Joint Stock Companies unable to meet their pecuniary Engagements, and also facilitate the Dissolution and Winding-up of Joint Stock Companies and other Partnerships,"

(2.) An Act passed in the Thirteenth Year of the Reign of Her present Majesty, Chapter One hundred and eight, and intituled "An Act to amend the Joint Stock Companies Winding-up Act, 1848,"

(3.) An Act passed in the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and eleven, and intituled "An Act for facilitating the winding up the Affairs of Joint Stock Companies in Ireland unable to meet their pecuniary Engagements,"

(4.) An Act passed in the Ninth Year of the Reign of Her present Majesty, Chapter Ninety-eight, and intituled "An Act for facilitating the winding up the Affairs of Joint Stock Companies in Ireland unable to meet their pecuniary Engagements,"

Shall not apply to Companies registered under this Act.

XVII. The Registration under this Act of any Insurance Company existing at the Time of the passing of this Act shall not affect or prejudice the Liability of such Company to have enforced against it, or its Right to enforce, any Debt or Obligation incurred, or any Contract entered into, by, to, with, or on behalf of such Company, previously to such Registration, and all such Debts, Obligations, and Contracts shall be binding on the Parties thereto, to the same Extent as if such Registration had not taken place.

Registration
under this
Act not
to affect
Obligations
incurred
previously to
Registration.

Saving of
Liabilities
of Persons
who were
Members be-
fore Regis-
tration under
Act.

XVIII. Every Person who at or previously to the Date of the Registration under this Act of any Insurance Company may have been a Member of such Company shall, in the event of the same being wound up by the Court or voluntarily, as herein-after provided, be liable to contribute to the Assets of the Company the same Amount 5 that he would if this Act had not been passed have been liable to pay to the Company, or for or on account of any Debt of the Company, in pursuance of any Action, Suit, Judgment, or other legal Proceeding that might, if this Act had not been passed, have been instituted or enforced against himself or the Company, or the 10 public Officer thereof.

Continua-
tion of exist-
ing Actions
and Suits.

XIX. All such Actions, Suits, and other legal Proceedings as may at the Time of the Registration under this Act of any Company have been commenced by or against such Company or the public Officer thereof may be continued in the same Manner as if such 15 Registration had not taken place; nevertheless Execution shall not issue against the Effects of any individual Member of such Company upon any Judgment, Decree, or Order obtained against such Company in any Action, Suit, or Proceeding so commenced as aforesaid; but, in the event of the Property and Effects of the Company being in- 20 sufficient to satisfy such Judgment, Decree, or Order, an Order may be obtained for winding up the Company in manner herein-after directed.

Transfer of
Trust Pro-
perty to
Company.

XX. All Real and Personal Property in England and Ireland, all Property, Heritable and Moveable, in Scotland, and all Deeds, Bonds, 25 Obligations, and Rights vested in any Person or Persons in trust for or on behalf of any Insurance Company at the Date of its Registration under this Act, shall immediately on Registration be transferred to the Company, as incorporated under this Act, for all the Estate and Interest of the Company therein, but so nevertheless that no 30 Merger shall take place of any Estates by reason of their Union in the Company under this Act, unless with the Assent of the Company, testified in Writing under their Common Seal.

PART II.

CONSTITUTION AND INCORPORATION OF FUTURE INSURANCE COMPANIES. 35

Registry.

Company
formed by
Memoran-
dum of

XXI. Seven or more Persons, associated for the Purpose of carrying on the Business of Insurance, either alone or in common with other Business, may, by subscribing their Names to a Memorandum of 35
Asso-

Association, and otherwise complying with the Requisitions of this Act in respect of Registration, form themselves into a Proprietary or Mutual Company. Association and Registration.

- XXII. The Memorandum of Association of a Proprietary Company shall contain the following Things; (that is to say,) Matters required to be prescribed by Memorandum of Association of a Proprietary Company.
1. The Name of the proposed Company :
 2. The Part of the United Kingdom, whether England, Scotland, or Ireland, in which the registered Office of the Company is proposed to be situate :
 - 10 3. The Objects for which the proposed Company is to be established :
 4. The Amount of the nominal Capital of the proposed Company :
 5. The Number of Shares into which such Capital is to be divided, and the Amount of each Share.

- XXIII. The Memorandum of Association of a Mutual Company shall contain the following Things; (that is to say,) Matters required to be prescribed by Memorandum of Association of Mutual Company.
- (1.) The Name of the proposed Company :
 - (2.) The Part of the United Kingdom, whether England, Scotland, or Ireland, in which the registered Office of the Company is proposed to be situate :
 - 20 (3.) The Objects for which the proposed Company is to be established :
 - (4.) The proposed Number of Members, or, if the Number of Members is intended to be unlimited, a Statement to that Effect :
 - 25

But nothing herein contained shall prevent any Company carrying on Business, notwithstanding it may not have attained its proposed Number of Members, and any Company may in manner herein-after mentioned increase its Number of Members.

- XXIV. No Company shall be registered under a Name identical with that by which a subsisting Company is already registered, or so nearly resembling the same as to be calculated to deceive ; and if any Company, through Inadvertence or otherwise, is registered by a Name identical with that by which a subsisting Company is registered, or so nearly resembling the same as to be calculated to deceive, such first-mentioned Company may, with the Sanction of the Registrar, change its Name, and upon such Change being made the Registrar shall enter the new Name on the Register in the Place of the former Name, but no such Alteration of Name shall affect any Rights or Obligations of the Company, or render defective any legal Proceedings instituted or to be instituted by or against the Company, and any legal Proceedings

Prohibition against Identity of Names in registered Companies.

may be continued or commenced against the Company by its new Name that might have been continued or commenced against the Company by its former Name.

Form of Memorandum of Association.

XXV. The Memorandum of Association of a Proprietary Company shall be in the Form marked A. in the Schedule hereto, and the 5
Memorandum of Association of a Mutual Company shall be in the Form marked B. in the Schedule hereto, or as near thereto as Circumstances admit, and it shall, when registered, bind the Company and the Members thereof to the same Extent as if each Member had subscribed his Name and affixed his Seal thereto, or otherwise duly 10
executed the same, and there were in such Memorandum contained, on the Part of himself, his Heirs, Executors, and Administrators, a Covenant to conform to all the Regulations of such Memorandum, subject to the Provisions of this Act.

Shares to be taken by Subscribers of Memorandum of Association of Proprietary Company.

XXVI. Every Subscriber of the Memorandum of Association of 15
a Proprietary Company shall take One Share at the least in the Company: The Number of Shares taken by each Subscriber shall be set opposite his Name in such Memorandum of Association, and upon the Registration of the Company he shall be entered in the Register of Members herein-after mentioned as a Holder of the 20
Shares subscribed for by him.

Regulations to be prescribed by Articles of Association.

XXVII. The Memorandum of Association shall be accompanied by Articles of Association signed by the Subscribers to the Memorandum of Association, and prescribing such Regulations for the Organization and Management of the Company, and for other Matters, 25
as the Subscribers to the Memorandum of Association may deem expedient: Such Articles shall be expressed in separate Paragraphs, numbered arithmetically: They shall, when registered, bind the Company and the Members thereof to the same Extent as if each Member had subscribed his Name and affixed his Seal thereto, or 30
otherwise duly executed the same, and there were in such Articles contained, on the Part of himself, his Heirs, Executors, and Administrators, a Covenant to conform to all the Regulations of such Articles, subject to the Provisions of this Act: Any Company may by its Articles of Association adopt all or any of the Provisions of Table B., 35
contained in the Schedule annexed to the Joint Stock Companies Acts, 1856.

Stamp on Memorandum of Association and Articles of Association.

XXVIII. The Memorandum of Association and the Articles of Association may be printed or written, and shall respectively bear the same Stamps as if they were Deeds: The Execution by any 40
Person of the Memorandum of Association or Articles of Association

ciation shall be attested by One Witness at the least; and Attestation by One Witness shall be sufficient Attestation in Scotland as well as in England and Ireland.

XXIX. The Memorandum of Association and Articles of Association shall be delivered to the Registrar, who shall retain and register the same: There shall be paid to the Registrar by a Proprietary Company, in respect of the several Matters mentioned in the Table marked C. in the Schedule hereto, the several Fees therein specified, or such smaller Fees as the Board of Trade may from Time to Time direct, and by a Mutual Company in respect of the several Matters mentioned in the Table marked D. in the Schedule hereto the several Fees therein specified, or such smaller Fees as the Board of Trade may from Time to Time direct: All Fees so paid shall be paid into the Receipt of Her Majesty's Exchequer, and be carried to the Account of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

Registration of Memorandum of Association and Articles of Association.

XXX. Upon any such Memorandum of Association, together with Articles of Association as aforesaid, being registered, the Registrar shall certify under his Hand that the Company is incorporated: The Subscribers of the Memorandum of Association, together with such other Persons as may from Time to Time become Members in the Company, shall thereupon be a Body Corporate by the Name prescribed in the Memorandum of Association, having a perpetual Succession and a Common Seal, with Power to hold Lands, but with such Liability on the Part of the Members to contribute to the Assets of the Company in the event of the same being wound up as is herein-after mentioned: The Certificate of Incorporation given by the Registrar shall be conclusive Evidence that all the Requisitions of this Act in respect of Registration have been complied with, and that the Company is an Insurance Company within the Meaning of this Act; and the Date of such Certificate shall be deemed to be the Date of the Incorporation of the Company.

Effect of Registration.

XXXI. As soon as a Certificate of Incorporation has been granted by the Registrar, a Proprietary Company may issue Certificates of Shares to the Subscribers to the Memorandum of Association, and to all other Persons to whom Shares may be allotted, of such Number and Amount as may be prescribed by the Memorandum of the Association, but not of any greater Number or Amount: The Shares so issued shall be Personal Estate, and shall not be of the Nature of Real Estate; and each Share shall be distinguished by its appropriate Number.

Issue of Shares by Proprietary Company.

PART III.**REGISTER OF MEMBERS.**

Register of
Members of
Proprietary
Company.

XXXII. Every Proprietary Company registered under this Act shall cause to be kept in One or more Books a Register of its Members, and there shall be entered therein the following Particulars: 5

- (1.) The Names, Addresses, and Occupations, if any, of the Directors or Managers of the Company, if any, and also of the Members of the Company, and the Shares held by each of them, distinguishing each Share by its Number, except in the Case of Companies that existed at the Time of the passing of 10 this Act, and have not their Shares numbered:
- (2.) The Amount paid on the Shares of each Member:
- (3.) The Date at which the Name of any Person was entered in the Register as a Member:
- (4.) The Date at which any Person ceased to be a Member in 15 respect of any Share, after the First of January One thousand eight hundred and fifty-eight.

Annual List
of Members
of Proprietary
Company.

XXXIII. In the Case of a Proprietary Company registered under this Act there shall be made, once at the least in every Year, a List of all Persons who on the Fourteenth Day succeeding the Day on which 20 the ordinary General Meeting of the Company, or, if there is more than One ordinary Meeting in each Year, the First of such ordinary General Meetings is held, are Holders of Shares in the Company; and such List shall state the Names, Addresses, and Occupations of all the Persons therein mentioned, and the Number of Shares held by 25 each of them, and shall contain a Summary, specifying the following Particulars:

- (1.) The Amount of the nominal Capital of the Company, and the Number of Shares into which it is divided: 30
- (2.) The Number of Shares taken from the Commencement of the Company up to the Date of the Summary:
- (3.) The Amount of Calls made on each Share:
- (4.) The total Amount of Calls that have been received:
- (5.) The total Amount of Calls unpaid:
- (6.) The total Amount of Shares forfeited: 35

The above List and Summary shall be contained in a separate Part of the Register: It shall be completed within Seven Days after, such Fourteenth Day as is mentioned in this Section, and a Copy, authenticated by the Seal of the Company, shall forthwith be forwarded to the Registrar, and any Person may inspect and take Copies of the 40 same, subject to the Regulations under which a Person is, by the Joint Stock Companies Act, 1856, to be entitled to inspect and take Copies of any Documents kept by the Registrar.

XXXIV. If

XXXIV. If any Proprietary Company registered under this Act makes default in keeping a Register of its Directors, or Managers, if any, and of its Members, or in sending a Copy of such List and Summary as aforesaid to the Registrar, in compliance with the foregoing Rules, such Company shall incur a Penalty not exceeding Five Pounds for every Day during which such Default continues.

Penalty on Proprietary Company not keeping proper Register.

XXXV. Every Mutual Company registered under this Act shall cause to be kept a Register, showing the Names, Addresses, and Occupations of its Members.

Register of Members of Mutual Company.

10 XXXVI. If any Mutual Company registered under this Act makes default in keeping a Register of Members, such Company shall incur a Penalty not exceeding Five Pounds for every Day during which such Default continues.

Penalty on Company not keeping a proper Register.

15 XXXVII. Where a Company is registered under this Act in England or Ireland, no Notice of any Trust shall be entered on the Register of Members.

Notice of Trust not entered on Register.

20 XXXVIII. In a Proprietary Company registered under this Act every Person who has accepted any Share in the Company, in manner prescribed by the Regulations of the Company as to the Acceptance of Shares, and whose Name is entered in the Register of Members, and no other Person (except a Subscriber to the Memorandum of Association in respect of the Shares subscribed for by him), shall for the Purposes of this Act be deemed to be a Member of such Company; and in a Mutual Company registered under this Act, every Person
25 who has become a Member of the Company in manner prescribed by the Regulations of the Company, and no other Person, shall for the Purposes of this Act be deemed to be a Member of such Company; but nothing herein contained shall affect the Provisions herein-before made with respect to the Liability of any Person who may have
30 become a Member of any Company existing at the Time of the passing of this Act previously to its Registration under this Act.

Restrictive Definition of Member.

XXXIX. Shares in a Proprietary Company registered under this Act, may be transferred in manner prescribed by the Regulations of the Company, but the Instrument of Transfer shall be executed both
35 by the Transferrer and Transferee, and the Transferrer of any Share shall be deemed to remain a Holder of such Share until the Name of the Transferee is entered in the Register in respect thereof.

Transfer of Shares in Proprietary Company.

Inspection of
Register.

XL. The Register of Members commencing from the Date of the Registration of the Company under this Act shall be kept at the registered Office of the Company herein-after mentioned: Except when closed as herein-after mentioned, it shall during Business Hours, but subject to such reasonable Restrictions as the Company in 5 General Meeting may impose, so that not less than Two Hours in each Day be appointed for Inspection, be open to the Inspection of any Member gratis: If such Inspection is refused, the Company shall incur for each Refusal a Penalty not exceeding Two Pounds, and a further Penalty not exceeding Two Pounds for every Day during 10 which such Refusal continues.

Power
to close
Register.

XLI. The Company may, upon giving Notice by Advertisement in some Newspaper circulating in the District in which the registered Office of the Company is situated, close the Register of Members for any Time or Times not exceeding in the whole 15 Thirty Days in each Year, and the Period during which the Books are closed shall not be reckoned as Part of the Time within which a Transfer of any Share in a Proprietary Company is to be registered.

Remedy for
improper
Entry or
Omission of
Entry in
Register.

XLII. If the Name of any Person is, without sufficient Cause, 20 entered or omitted to be entered in the Register of Members of any Company registered under this Act, such Person, or any Member of the Company, may, as respects Companies registered in England or Ireland, by Motion in any of Her Majesty's Superior Courts of Law or Equity, and as respects Companies registered in Scotland by 25 Summary Petition to the Court of Session, apply to such Court for an Order that the Register may be rectified; and the Court may either refuse such Application, with or without Costs, to be paid by the Applicant, or it may, if satisfied of the Justice of the Case, make an Order for the Rectification of the Register, and may direct the 30 Company to pay all the Costs of such Motion or Petition, and any Damages the Party aggrieved may have sustained; and if the Company makes default or is guilty of unnecessary Delay in registering any Transfer of Shares, it shall be responsible to any Person injured by such Default or Delay for the Amount of Damage he may 35 thereby have sustained. The Court may in any Proceeding under this Section decide on any Question relating to the Title of any Person who is a Party to such Proceeding to have his Name entered in or erased from the Register, whether such Question arises between Two or more Members or alleged Members, or between any 40 Members or alleged Members and the Company, and generally the Court

Court may in any such Proceeding decide any Question that it may be necessary or expedient to decide for the Rectification of the Register.

XLIII. The Register of Members shall be Evidence of any Matters Register to be Evidence.
5 by this Act directed or authorized to be inserted therein.

XLIV. Copies of the Memorandum of Association and Articles of Association shall be forwarded to every Member, at his Request, on Payment of the Sum of One Shilling for each Copy, or such less Sum as may be prescribed by the Company; and if the Company 10 makes default in so forwarding the same, it shall for each Offence incur a Penalty not exceeding One Pound. Copies of Memorandum and Articles of Association to be given to Shareholders.

PART IV.

MANAGEMENT AND ADMINISTRATION OF COMPANIES.

General.

15 XLV. Every Company registered under this Act shall have a registered Office to which all Communications and Notices may be addressed: If any Company registered under this Act carries on Business without having such an Office, it shall incur a Penalty not exceeding Five Pounds for every Day during which Business is so 20 carried on. Registered Office of Company.

XLVI. Notice of the Situation of such registered Office, and of any Change therein, shall be given to the Registrar, and recorded by him: Until such Notice is given the Company shall not be deemed to have complied with the Provisions of this Act with respect 25 to having a registered Office. Notice of Situation of registered Office.

XLVII. A General Meeting of every Company registered under this Act shall be held once at the least in every Year. General Meeting of Company.

XLVIII. Any Company registered under this Act may in General Meeting, from Time to Time, by such Special Resolution as is herein- 30 after mentioned, alter and make new Provisions in lieu of or in addition [176.] Power of Company to alter Regulations

by Special
Resolution.

addition to any Regulations of the Company, subject to the following
Provisoes :

- (1.) That, save as herein-after mentioned with respect to the Increase of Capital or Number of Members, no Company formed after the passing of this Act, and registered under this Act, shall alter any Regulation contained in the Memorandum of Association of such Company : 5
- (2.) That no Company existing at the Time of the passing of this Act shall, when registered under this Act, have Power by Special Resolution to alter any Provision contained in any Act of Parliament relating to the Company, without the Sanction of the Board of Trade : 10
- (3.) That no such existing Company as last aforesaid shall have Power, without the Sanction of the Board of Trade, by Special Resolution, to alter any Provisions contained in any Letters Patent relating to the Company : 15
- (4.) That nothing herein contained shall authorize any such existing Company as last aforesaid by Special Resolution to alter any such Provisions contained in any Act of Parliament, Deed of Settlement, Letters Patent, or other Instrument constituting or regulating the Company, as would, if such Company had originally been incorporated under this Act, have been contained in the Memorandum of Association, and are not hereby authorized to be altered : 20

But nothing herein contained shall derogate from any Power of altering its Constitution or Regulations which may be vested in any Company existing at the Time of the passing of this Act, by virtue of any Act of Parliament, Deed of Settlement, Letters Patent, Byelaws, or other Instrument constituting or regulating the Company. 25

Definition of
Special Resolution of
Proprietary
Company.

XLIX. A Resolution shall be deemed to be a Special Resolution of a Proprietary Company whenever the same has been passed by Three Fourths in Number and Value of such Members of the Company for the Time being entitled according to the Regulations of the Company to vote as may be present in Person or by Proxy (in Cases where, by the Regulations of the Company, Proxies are allowed,) at any Meeting of which Notice specifying the Intention to propose such Resolution has been duly given, and such Resolution has been confirmed by a Majority of such Members for the Time being entitled to vote as may be present in Person or by Proxy at a subsequent Meeting, of which Notice has been duly given, and held at an Interval of not less than One Month nor more than Three Months from the Date of the Meeting at which such Special Resolution 30 35 40

lution was first passed: Unless a Poll is demanded by at least Five Members, a Declaration of the Chairman of any such Meeting as is mentioned in this Section, that a Special Resolution has been carried, shall be deemed conclusive Evidence of the Fact, without Proof of
 5 the Number or Proportion of the Votes recorded in favour of or against the same: Notice of any Meeting shall, for the Purposes of this Section, be deemed to be duly given, and the Meeting to be duly held, whenever such Notice is given and Meeting held in manner prescribed by the Regulations of the Company.

- 10 L. A Resolution shall be deemed to be a Special Resolution of a Mutual Company whenever the same has been passed by Three
 Fourths in Number of such Members of the Company for the Time being entitled to vote according to the Regulations of the Company as may be present in Person or by Proxy (in Cases
 15 where, by the Regulations of the Company, Proxies are allowed,) at any Meeting of which Notice specifying the Intention to propose such Resolution has been duly given, and such Resolution has been confirmed by a Majority of such Members for the Time being entitled to vote as may be present in Person or by Proxy at a subsequent Meeting
 20 of which Notice has been duly given, and held at an Interval of not less than One Month nor more than Three Months from the Date of the Meeting at which such Special Resolution was first passed: Unless a Poll is demanded by at least Five Members, a Declaration of the Chairman of any such Meeting as is mentioned in this Section, that a
 25 Special Resolution has been carried, shall be deemed conclusive Evidence of the Fact, without Proof of the Number of the Votes recorded in favour of or against the same: Notice of any Meeting shall, for the Purposes of this Section, be deemed to be duly given, and the Meeting to be duly held, whenever such Notice is given
 30 and Meeting held in manner prescribed by the Regulations of the Company.

Definition of
 Special Reso-
 lution of
 Mutual
 Company.

- LI. A Copy of any Special Resolution that is passed by any
 Company registered under this Act shall be forwarded to the Registrar, and recorded by him: If such Copy is not so forwarded
 35 within Fifteen Days from the Date of the passing of the Resolution, the Company shall incur a Penalty not exceeding Two Pounds for every Day after the Expiration of such Fifteen Days during which such Copy is omitted to be forwarded.

Registry of
 Special Re-
 solutions.

- LII. A Copy of any Special Resolution shall be given to any
 40 Member, on Payment of One Shilling or of such less Sum as the Company may direct.

Copies of
 Special Re-
 solutions.

Notice to
Registrar of
Increase of
Capital in
Proprietary
Company,
and of
Members in
Mutual
Company.

LIII. The Company, if authorized so to do by its Regulations, or by a special Resolution as herein aforesaid required, may, in the Case of a Proprietary Company, increase its nominal Capital, or vary the individual Amount of the Shares composing its existing Capital, or convert such Shares, if fully paid up, into Stock, and in the Case of a Mutual Company increase the Number of its Members, in manner directed by such Regulations, but Notice of any Increase or Alteration of Shares so made shall be given to the Registrar within Fifteen Days from the Date of the passing of the Resolution by which such Increase has been authorized, and the Registrar shall forthwith record the Amount of such Increase: If such Notice is not given within the Period aforesaid the Company shall incur a Penalty not exceeding Five Pounds for every Day during which such Neglect to give Notice continues.

Prohibition
against car-
rying on
Business
with less
than Seven
Members.

LIV. If any Company registered under this Act carries on Business when the Number of its Members is less than Seven, for a Period of Six Months after the Number has been so reduced, then every Person who is a Member in such Company during the Time that it so carries on Business after such Period of Six Months shall be severally liable for the Payment of the whole Debts of the Company contracted during such Time, and may be sued for the same, without the Joinder in the Action or Suit of any other.

Evidence of
Proceedings
at Meetings.

LV. The Company shall cause Minutes of all Resolutions and Proceedings of General Meetings of the Company, and of the Directors of the Company in Cases where there are Directors, to be duly entered in Books to be from Time to Time provided for the Purpose; and any such Minute as aforesaid, if signed by any Person purporting to be the Chairman of such Meeting, shall be receivable in Evidence in all legal Proceedings; and until the contrary is proved every General Meeting in respect of the Proceedings of which Minutes have been so made shall be deemed to have been duly held and convened.

Legal Instruments of Company.

Contracts
how made.

LVI. Contracts on behalf of any Company registered under this Act may be made as follows; (that is to say,) 35

- (1.) Any Contract which if made between private Persons would be by Law required to be in Writing, and if made according to English Law to be under Seal, may be made on behalf of the Company in Writing under the Common Seal of the Company, and such Contract may be in the same Manner varied or discharged: 40
- (2.) Any Contract which if made between private Persons would be by Law required to be in Writing and signed by the Parties

Parties to be charged therewith, may be made on behalf of the Company in Writing signed by any Person acting under the express or implied Authority of the Company, and such Contract may in the same Manner be varied or discharged :

- 5 (3.) Any Contract which if made between private Persons would by Law be valid although made by Parol only, and not reduced into Writing, may be made by Parol on behalf of the Company by any Person acting under the express or implied Authority of the Company, and such Contract may in the
10 same Way be varied or discharged :

And all Contracts made according to the Provisions herein contained shall be effectual in Law, and shall be binding upon the Company and their Successors, and all other Parties thereto, their Heirs, Executors, or Administrators, as the Case may be.

15

Deeds.

- LVII. Any Company registered under this Act may, by Instrument or Writing under their Common Seal, empower any Person, either generally or in respect of any specified Matters, as their Attorney, to execute Deeds on their Behalf in any Place not situate
20 in the United Kingdom ; and every Deed signed by such Attorney, on behalf of the Company, and under his Seal, shall be binding on the Company to the same Extent as if it were under the Common Seal of the Company.

Execution
of Deeds
abroad.

- LVIII. In any Mortgage made according to English Law by
25 any Company registered under this Act there shall be implied the following Covenants (unless Words expressly negating such Implication are contained therein) ; that is to say, a Covenant on the Part of the Company to pay the Money thereby secured, and Interest thereon, at the Time and Rate therein mentioned ; a Covenant that
30 they have Power to convey or assure the Property declared to be conveyed or assured to the Mortgagee free from Incumbrances ; and a Covenant for further Assurance of such Property, at the Expense of the Company, to the Mortgagee or any Person claiming through, under, or in trust for him ; and if a Power of Sale is thereby given
35 such Power shall imply an Authority to sell by Public Auction or Private Contract, altogether or in Parcels, and to make, rescind, or vary Contracts for Sale or Resale, without being liable for Loss, and also an Authority to give effectual Receipts for Purchase Monies ; and such Mortgage may be in the Form marked E. in the Schedule
40 hereto, or as near thereto as Circumstances admit.

Mortgages
according to
English Law.

Bond and
Disposition
in Security
according to
Scotch Law.

LIX. In any Bond and Disposition in Security made according to Scotch Law by any Company registered under this Act there shall be implied the following Obligations and Undertakings (unless Words expressly negating such Implication are contained therein); that is to say, an Obligation on the Part of the Company to pay the Money 5 thereby secured, and Interest thereon, at the Time and Rate therein mentioned; an Undertaking that they have Power to convey the Property declared to be conveyed to the Heritable Creditor free from Incumbrances; and an Obligation to make and execute, at the Expense of the Company, in favour of the Heritable Creditor, or any 10 Person claiming through, under, or in trust for him, any further Deed necessary to give Effect and Validity to the Security; and if a Power of Sale is thereby given, such Power shall imply an Authority to sell by Public Auction or Private Contract, altogether or in Parcels, and to make, rescind, or vary Contracts of Sale or Resale, without being 15 liable for Loss, and also an Authority to give effectual Receipts for Purchase Monies; and such Bond and Disposition in Security may be in the Form marked F. in the Schedule hereto, or as near thereto as Circumstances admit, and shall be registered in the General or Particular or Burgh Register of Sasines, as the Case may be, and 20 being so registered shall be equivalent to a Bond and Disposition in Security in ordinary Form, containing Power of Sale, with Sasine thereon, duly recorded in the Register of Sasines.

Conveyances
according to
English Law.

LX. In any Conveyance or Assurance made according to English Law by any Company registered under this Act there shall be 25 implied (unless Words expressly negating such Implication are contained therein) the following Covenants on the Part of the Company; (that is to say,)

A Covenant that, notwithstanding any Act or Default done by the Company, they were at the Time of the Execution of such Con- 30 veyance or Assurance seised or possessed of the Lands or Premises thereby conveyed or assured for an indefeasible Estate of Inheritance in Fee Simple, free from Incumbrances occasioned by them, or otherwise for such Estate or Interest as therein expressed to be assured, free from Incumbrances occasioned by 35 them:

A Covenant that the Person to whom such Lands or Premises are conveyed or assured, his Heirs, Successors, Executors, Administrators, and Assigns, (as the Case may be,) shall quietly 40 enjoy the same against the Company and their Successors, and all other Persons claiming under them, and be indemnified and saved harmless by the Company and their Successors from all Incumbrances occasioned by the Company:

A Cove-

A Covenant for further Assurance of such Lands or Premises, at the Expense of the Person to whom the same are conveyed or assured, his Heirs, Successors, Executors, Administrators, or Assigns, (as the Case may be,) by the Company or their
 5 Successors, and all other Persons claiming under them.

LXI. In any Disposition of Heritable Property granted according to Scotch Law by any Company registered under this Act there shall be implied, unless Words expressly excluding such Implication are contained therein, an Obligation of absolute Warrandice, and an
 10 Obligation to complete the Company's Title, at its own Expense, so far as necessary to validate or give full Effect to such Disposition, and an Obligation to grant, also at its own Expense, any further Deeds which may be necessary to render such Disposition effectual.

Disposition
in Security
according to
Scotch Law.

Examination of Affairs of Company.

15 LXII. Upon the Application of One Third in Number and Value of the Members of any Proprietary Company registered under this Act, and of One Third in Number of the Members of any Mutual Company registered under this Act, the Board of Trade may appoint One or more competent Inspectors to examine into the Affairs of the
 20 Company, and to report thereon in such Manner as the Board of Trade directs.

Examination
of Affairs of
Company by
Inspectors
appointed by
the Board of
Trade.

LXIII. It shall be the Duty of all Officers and Agents of the Company to produce for the Examination of the Inspectors all Books and Documents in their Custody or Power: Any Inspector may
 25 examine upon Oath the Officers and Agents of the Company in relation to its Business, and may administer such Oath accordingly: If any Officer or Agent refuses to produce any such Book or Document, or to answer any Question relating to the Affairs of the Company, he shall incur a Penalty not exceeding Five Pounds in
 30 respect of each Offence.

Power of
Inspectors.

LXIV. Upon the Conclusion of the Examination the Inspectors shall report their Opinion to the Board of Trade: Such Report shall be written or printed, as the Board of Trade directs: A Copy shall be forwarded by the Board of Trade to the registered Office of the
 35 Company, and a further Copy shall, at the Request of the Members upon whose Application the Inspection was made, be delivered to them or to any One or more of them: All Expenses of and incidental to any such Examination as aforesaid shall be defrayed by the Members upon whose Application the Inspectors were appointed.

Result of
Examination
how dealt
with.

Power of
Company to
appoint
Inspectors.

LXV. Any Company registered under this Act may by Special Resolution appoint Inspectors for the Purpose of examining into the Affairs of the Company: The Inspectors so appointed shall have the same Powers and perform the same Duties as Inspectors appointed by the Board of Trade, with this Exception, that, instead of making 5 their Report to the Board of Trade, they shall make the same in such Manner and to such Persons as the Company in General Meeting directs; and the Officers and Agents of the Company shall incur the same Penalties, in case of any Refusal to produce any Book or Document to such Inspectors, or to answer any Question, as they would 10 have incurred if such Inspectors had been appointed by the Board of Trade.

Report of
Inspectors to
be Evidence.

LXVI. A Copy of the Report of any Inspectors appointed under this Act, authenticated by the Seal of the Company into whose Affairs they have made Inspection, shall be admissible as Evidence in 15 any legal Proceeding.

Legal Proceedings.

Recovery of
Penalties.

LXVII. All Offences under this Act made punishable by any Penalty may be prosecuted summarily before Two or more Justices, as to England, in manner directed by an Act passed in the Session 20 holden in the Eleventh and Twelfth Years of the Reign of Her Majesty Queen Victoria, Chapter Forty-three, intituled "An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within England and Wales with respect to summary Convictions and Orders;" and as to Scotland, before Two or more 25 Justices or the Sheriff of the County, in the Manner directed by the Act passed in the Session of Parliament holden in the Seventeenth and Eighteenth Years of the Reign of Her Majesty Queen Victoria, Chapter One hundred and four, intituled "An Act to amend and consolidate the Acts relating to Merchant Shipping," as regards 30 Offences in Scotland against that Act, not being Offences by that Act described as Felonies or Misdemeanors; and as to Ireland, in the Manner directed by the Act passed in the Session holden in the Fourteenth and Fifteenth Years of the Reign of Her Majesty Queen Victoria, Chapter Ninety-three, intituled "An Act to consolidate and 35 amend the Acts regulating the Proceedings of Petty Sessions and the Duties of Justices of the Peace out of Quarter Sessions in Ireland," or any Act passed for the Amendment of the above-mentioned Acts.

Application
of Penalties.

LXVIII. The Justices or Sheriff imposing any Penalty under this Act may direct the whole or any Part thereof to be applied in or 40 towards Payment of the Costs of the Proceedings, or in or towards the rewarding the Person upon whose Information or at whose Suit such

such Penalty has been recovered; and, subject to such Direction, all Penalties shall be paid into the Receipt of Her Majesty's Exchequer, in such Manner as the Treasury may direct, and shall be carried to and form Part of the Consolidated Fund of the United Kingdom.

5

Alteration of Forms.

LXIX. The Board of Trade may from Time to Time make such Alterations in the Forms and Tables contained in the Schedule hereto as they deem requisite: They shall publish any Form or Table, when altered, in the London Gazette, and upon such Publication being made, it shall have the same Force as if it were included in the Schedule to this Act.

Board of
Trade may
alter Forms
in Schedule.

PART V.**WINDING-UP.***Preliminary.*

15 LXX. The Provisions of this Act relating to the Winding-up of Companies shall apply to all Companies registered under this Act, and to no other Companies.

Application
of Part V.
of Act.

LXXI. The Expression "the Court," as used in this Act, shall mean, as respects Companies registered under this Act in England, the High Court of Chancery of England; as respects Companies registered under this Act in Scotland, the Court of Session in either Division thereof; and as respects Companies registered under this Act in Ireland the Court of Chancery of Ireland.

Definition of
"the Court."

LXXII. In the event of a Company registered under this Act being wound up by the Court or voluntarily, every Person who at the Time of the Commencement of such Winding-up is or has within Three Years prior to the Commencement of such Winding-up been a Member of such Company shall be liable to contribute to the Assets of the Company to an Amount sufficient for Payment of the Debts of the Company contracted with Persons not being Members of the Company, or with Members of the Company in respect of Matters in which they were not acting as Members, and the Costs, Charges, and Expenses of the Winding-up, so far as the same have been incurred in or about the Payment of such Debts, with this Exception, that no Person shall be liable to contribute in respect of any Debt of the Company contracted after the Time at which he ceased to be a Member.

Liabilities of
Members of
Company
to general
Creditor.

LXXIII. In

Liabilities of Members of Company between themselves. LXXIII. In the event of a Company registered under this Act being wound up by the Court or voluntarily, the Rights and Liabilities of the Members between themselves shall be determined by the Regulations of the Company.

Proviso for Special Contracts. LXXIV. Nothing herein contained shall invalidate any Provision 5 contained in any Policy or other Contract whereby the Liability of Members of the Company is restricted, or whereby the Funds of the Company are alone made liable for the Debts thereof.

Commencement of Winding-up of Company defined. LXXV. The Winding-up shall, if the Company is wound up by Court, be deemed to commence at the Time of the Presentation of such 10 Petition as is herein-after required to be presented to the Court, and if the Company is wound up voluntarily, be deemed to commence at the Time of the passing of the Resolution authorizing such Winding-up.

Definition of "Contributory," and legal Character of his Liability. LXXVI. Any Member upon whom Calls are authorized to be 15 made in the event of the winding up of a Company either by the Court or voluntarily, is herein-after called "a Contributory," and the Representatives of any deceased Contributory shall be liable in a due Course of Administration to the same Extent as such Contributory would be liable under this Act, if alive. 20

Winding-up by Court.

Circumstances under which Company may be wound up by Court. LXXVII. A Company may be wound up by the Court under the following Circumstances; (that is to say,) (1.) Whenever the Company in General Meeting has passed a Special Resolution requiring the Company to be wound up by 25 the Court: (2.) Whenever the Company does not commence its Business within a Year from its Incorporation, or suspends its Business for the Space of a whole Year: (3.) Whenever the Members are reduced in Number to less than 30 Seven: (4.) Whenever the Company is unable to pay its Debts.

Company when deemed unable to pay its Debts. LXXVIII. A Company shall be deemed to be unable to pay its Debts, (1.) Whenever a Creditor to whom the Company is indebted in 35 a Sum exceeding Fifty Pounds then due has served on the Company, by leaving the same at their registered Office, a Demand under his Hand requiring the Company to pay the Sum so due, and the Company has for the Space of Three Weeks

Weeks succeeding the Service of such Demand neglected to pay such Sum, or to secure or compound for the same to the Satisfaction of the Creditor:

- (2.) Whenever, in England and Ireland, Execution issued on a Judgment, Decree, or Order obtained in any Court in favour of any Creditor in any Suit or other legal Proceeding instituted by such Creditor against the Company is returned unsatisfied, in whole or in part, by the Sheriff of the County in which the registered Office of the Company is situate:
- (3.) Whenever, in Scotland, the Induciæ of a Charge for Payment on an Extract Decree, or an Extract registered Bond, or an Extract registered Protest have expired without Payment being made.

- LXXIX. Any Application for the winding-up of a Company shall be by Petition, and there shall be filed or lodged at the Time when such Petition is presented an Affidavit verifying the same: Such Petition may, in Cases where the Company is unable to pay its Debts, be presented either by a Creditor or a Contributory, but where any other Ground is alleged for winding-up the Company a Contributory alone is entitled to present the Petition.

Application
for Winding-
up to be by
Petition.

- LXXX. Upon the Hearing of any Petition presented by a Creditor, the Court may dismiss such Petition, with or without Costs, to be paid by the Petitioner, or it may make an Order or pronounce an Interlocutor directing the Company, by a Day to be named in the Order or Interlocutor, to pay or secure Payment to the Creditor of all Monies that may be proved due to him, together with such Costs as the Court may direct; or the Court may, if it so thinks fit on the Hearing of such Petition, make an Order or Decree for winding-up the Company in the first instance, or such other Order as it deems just.

Course to be
pursued by
Court on
Petition of a
Creditor.

- LXXXI. If at the Expiration of the Time named in such Order or Interlocutor such Payment is not made, or Security given, the Court may thereupon make an Order or Decree for winding up the Company.

Order for
winding up
Company on
Creditor's
Petition.

- LXXXII. Upon the Hearing of a Petition presented by a Contributory, the Court may dismiss such Petition, with or without Costs, to be paid by the Petitioner, or it may make an Order or Decree directing the Company to be wound up, or such other Order or Decree as it deems just.

Course to be
pursued by
Court on
Petition of
Contribu-
tory.

- LXXXIII. After the Date of such Order or Decree for winding up the Company, all Suits and Actions against the Company shall,

Effect of the
Order for
Winding-up
if Company.

if the Court so orders, be stayed : No Director or other Officer of the Company shall, without the Sanction of the Court, dispose of any of the Property, Effects, or Things in Action of the Company, and no Transfer of any Shares shall be valid without the Sanction of the Court : A Copy of such Order or Decree shall forthwith 5 be reported by the Company to the Registrar, who shall make a Minute thereof in his Books relating to the Company.

Power of
Court of
Chancery to
transmit
Winding-up
to Court of
Bankruptcy.

LXXXIV. In Cases where the Court of Chancery in England or Ireland makes an Order for winding up a Company registered under this Act, it may, if it thinks fit, direct all or any subsequent Pro- 10 ceedings for winding up the same to be had in the Court of Bankruptcy having Jurisdiction in the Place in which the registered Office of the Company is situate, and upon such Order being made the Court therein named shall have the same Jurisdiction and exercise the same Powers with respect to winding up such Company as it would 15 have and exercise in a Case by this Act declared to be within its Jurisdiction.

Collection
and Appli-
cation of
Assets.

LXXXV. As soon as may be after making an Order or Decree for winding up the Company the Court shall cause the Assets of the Company to be collected, and applied in discharge of its Liabilities in 20 a due Course of Administration.

Fraudulent
Preference.

LXXXVI. Any such Conveyance, Mortgage, Delivery of Goods, Payment, Execution, or other Act relating to Property, as would, if made or done by or against any individual Trader, be deemed in the event of his Bankruptcy to have been made or done by way of undue 25 or fraudulent Preference of any Creditor of such Trader, shall, if made or done by or against any Company registered under this Act, be deemed, in the event of an Order being made for winding up such Company, to have been made or done by way of undue or fraudulent Preference of such Creditor of such Company, and shall be invalid 30 accordingly ; and for the Purposes of this Section the Presentation of a Petition for winding up a Company shall be deemed to correspond with the filing of a Petition for Adjudication of Bankruptcy in the Case of an individual Trader ; and any Conveyance or Assignment made by any Company registered under this Act of all its Estate and 35 Effects to Trustees for the Benefit of all its Creditors shall be void to all Intents.

Power of
Court to
summon
Persons sus-
pected of

LXXXVII. The Court may, after it has made an Order or Decree for winding up the Company, summon before it any Person known or suspected to have in his Possession any of the Estate or Effects 40 of the Company, or supposed to be indebted to the Company, or any Person

Person whom the Court may deem capable of giving Information having concerning the Trade, Dealings, Estate, or Effects of the Company ; Property of and the Court may require any such Person to produce any Books, Company. Papers, Deeds, Writings, or other Documents in his Custody or

- 5 Power which may appear to the Court requisite to the full Disclosure of any of the Matters which the Court thinks necessary to be inquired into for the Purpose of winding up the Company ; and if any Person so summoned refuses to come before the Court at the Time appointed, having no lawful Impediment, (made known to the Court
10 at the Time of its sitting, and allowed by it,) the Court may by Warrant authorize and direct the Persons therein named for that Purpose to apprehend such Person, and bring him before the Court for Examination.

- LXXXVIII. The Court may examine, upon Oath, either by Word Examination of Mouth or upon written Interrogatories, any Person appearing or of Parties brought before them in manner aforesaid, concerning the Affairs, by Court. Dealings, Estate, or Effects of the Company, and may reduce into Writing the Answers of every such Person, and require him to sign and subscribe the same.

- 20 LXXXIX. If any Director, Officer, or Contributory of any Company Penalty on for the winding up of which an Order or Decree has been made Falsification under this Act destroys, mutilates, alters, or falsifies any Books, of Books. Papers, Writings, or Securities, or makes or is privy to the making of any false or fraudulent Entry in any Register, Book of Account,
25 or other Document belonging to the Company, with Intent to defraud the Creditors or Contributories of such Company or any of them, every Person so offending shall be deemed to be guilty of a Misdemeanor, and upon being convicted shall be liable to Imprisonment for any Term not exceeding Two Years, with or without Hard
30 Labour.

- XC. If any Attachment, Sequestration, or Execution is issued Attach- against any Company, by virtue whereof the Estate and Effects ments, Se- of the Company, or any of them, may be attached, sequestered, or questrations, taken in Execution, at any Time within Three Months next before and Execu-
35 the filing or Presentation of the Petition for winding up the Com- tions within pany, such Attachment, Sequestration, or taking in Execution Three shall be void in favour of the Liquidators of the Company, as against Months of the attaching, sequestering, or Execution Creditor, whether the same Petition to has been completely executed or not, except that such Creditor shall, be void.
40 if the Attachment, Sequestration, or Execution would have been valid but for this Provision, be entitled to retain, out of any Money already realized, his Costs of Suit, and of the Attachment, Sequestration, or
[176.] D Execution,

Execution, or to proceed with the Attachment, Sequestration, or Execution for the Purpose of realizing such Costs ; but on Satisfaction of such Costs, or on Tender of the Amount thereof by the Liquidators to the Creditor, it shall be lawful for the Liquidators to recover from such Creditor the Property so attached, sequestrated, and taken 5 in Execution, and the Proceeds of such Property, or the Residue thereof, as the Case may be.

Power to arrest Member about to abscond, or to remove or conceal any of his Property.

XCI. Where an Order has been made for winding up a Company registered under this Act, if upon the Application of the Official Liquidator herein-after mentioned, it appears to the Court 10 having Jurisdiction in the Matter of such Winding-up that there is probable Cause for believing that any Contributory to such Company is about to quit the United Kingdom, or otherwise abscond, or to remove or conceal any of his Goods or Chattels, for the Purpose of evading Payment of Calls, or for avoiding Examination in respect 15 of the Affairs of the Company, the Court may, by Warrant directed to such Person or Persons as it thinks fit, cause such Contributory to be arrested, and his Books, Papers, Monies, Securities for Monies, Goods, and Chattels to be seized, and him and them to be safely kept until such Time as the Court may order. 20

Arrested Member may apply to Court for his Discharge.

XCII. Any Contributory who has been arrested or whose Goods or Chattels have been seized under any such Warrant as afore-said may, at any Time after such Arrest or Seizure, apply to the Court that issued the Warrant to discharge him from Custody, or to direct the Delivery to him of any Books, Papers, Monies, Securities 25 for Money, Goods, or Chattels that may have been seized ; and the Court shall take such Application into consideration, and shall make such Order thereon as it thinks just.

Calls on Contributory to be Specialty Debt.

XCIII. All Calls that are authorized by this Act to be made on a Contributory, in the event of the Company to which he belongs being 30 wound up by the Court or voluntarily, shall be deemed in England and Ireland to be Specialty Debts due from such Contributory.

Books of Company to be Evidence.

XCIV. All Books, Accounts, and Documents of the Company, and of the Liquidators herein-after mentioned, shall, as between the Contributories of the Company, be primâ facie Evidence of the 35 Truth of all Matters therein contained, and purporting to be therein recorded.

Power of Court to make Calls.

XCV. The Court may, at any Time after making an Order or Decree for winding up any Company registered under this Act, and before it has ascertained the Sufficiency of the Assets of the Com- 40 pany,

pany, or the Debts in respect of which the several Classes of Contributories are liable, make Calls on all or any of the Contributories, to the Extent of their Liability, for Payment of all or any Sums it deems necessary to satisfy the Debts of the Company and the Costs
 5 of winding it up, and it may, in making a Call, take into consideration the Probability that some of the Contributories upon whom the same is made may partly or wholly fail to pay their respective Portions of the same.

XCVI. All Monies received under the Direction of the Court
 10 on account of the Sale or Conversion of any of the Assets of the Company, or in respect of Calls made on any Contributories, or of any other Matter, with the Exception of such Balance, if any, as the Official Liquidators may, with the Sanction of the Court, retain in their Hands for the Payment of current Expenses, shall in England
 15 be paid into the Bank of England or some Branch thereof, and in Ireland into the Bank of Ireland or some Branch thereof, and in Scotland into one of the incorporated or chartered Banks in Scotland, to the Credit of such Account as the Court may direct; and no Money standing to such Account shall be paid out by the Bank
 20 except upon Cheques signed in such Manner as the Court directs.

Payment of
Money into
the Bank.

XCVII. The Court may, at any Time after the Presentation of a
 Petition for winding up any Company, and either before or after
 making an Order for winding up the same, upon the Application by
 Motion of any Creditor or Contributory of such Company, restrain
 25 further Proceedings in any Action or Suit against the Company, or appoint a Receiver of the Estate and Effects of the Company; it may also, by Notice or Advertisement, require all Creditors to present and prove their Claims within a certain Time, or be precluded from the Benefit of any Distribution which may be made before such
 30 Claim is proved.

Power of
Court to
grant In-
junction or
Interdict.

XCVIII. The Court may, at any Time after an Order or Decree
 has been made for winding up any Company, upon the Application
 by Motion of any Creditor or Contributory of the Company, and upon
 Proof to the Satisfaction of the Court that all Proceedings in
 35 relation to such Winding-up ought to be stayed, make an Order staying the same, either altogether or for a limited Time, on such Terms and subject to such Conditions as it deems fit.

Power of
Court to stay
Proceedings.

XCIX. As soon as the Creditors are satisfied, the Court shall
 proceed to adjust the Rights of the Contributories amongst them-
 40 selves, and to distribute any Surplus that may remain amongst the Parties entitled thereto, and for the Purposes of such Adjustment

Power of
Court to ad-
just Rights
of Contribu-
tories.

it may make Calls on the Contributories to the Extent of their Liability for Payment of such Sums as it deems necessary; and it may, in making a Call, take into consideration the Probability that some of the Contributories upon whom the same is made may partly or wholly fail to pay their respective Portions of the same. 5

Power of
Court to
order Costs.

C. The Court may make such Order as to the Priority and Payment out of the Estate of the Company of the Costs, Charges, and Expenses incurred in winding up any Company as it thinks just.

Official Liquidators.

Appoint-
ment of
Official
Liquidators.

CI. For the Purpose of conducting the Proceedings in winding up a Company under this Act, and assisting the Court therein, there shall be appointed by the Court a Person or Persons to be called an Official Liquidator or Official Liquidators. 10

Proviso as to
Appoint-
ment of
Official
Liquidators
by Court.

CII. The Court shall, in the Appointment of an Official Liquidator or Official Liquidators, consult the Interests of both the Creditors and Contributories, and hear such Creditors or Contributories as it thinks fit to hear with respect to such Appointment. It may, unless both the Creditors and Contributories concur in the Appointment of a single Liquidator, appoint One or more Liquidator or Liquidators to act on behalf of each of such Parties. It may declare that, in case of Difference, any Act may be done by a Majority of Liquidators; or it may require the Liquidators in all Cases of Difference to apply to the Court. It may do anything hereby authorized to be done, either upon the First Appointment of a Liquidator or at any subsequent Stage of the Winding-up; but, notwithstanding anything herein contained, it shall not be obligatory on the Court to appoint more than One Liquidator, if in its Discretion it thinks that such Appointment will be most conducive to Justice. 15 20 25

Style and
Duties of
Official
Liquidators.

CIII. The Official Liquidators or Liquidator shall be described by the Style of the Official Liquidators or Official Liquidator of the particular Company in respect of which they or he are or is appointed, and not by their or his individual Names or Name; they or he shall take into their or his Custody all the Property, Effects, and Things in Actions of the Company, and shall perform such Duties in reference to the winding up of the Company as may be imposed by the Court. 30

Powers of
Official
Liquidators.

CIV. The Official Liquidators shall have Power, with the Sanction of the Court, to do the following Things:

To

To bring or defend any Action, Suit, or Prosecution, or other legal Proceeding, Civil or Criminal, in the Name and on behalf of the Company :

5 To carry on the Business of the Company, so far as may be necessary for the beneficial Winding-up of the same :

To sell the Real and Personal and Heritable and Moveable Property, Effects, and Things in Action of the Company by Public Auction or Private Contract, with Power, if they think fit, to transfer the whole thereof to any Person or Company, or sell the same in
10 Parcels :

To execute, in the Name and on behalf of the Company, all Deeds, Receipts, and other Documents they may think necessary, and for that Purpose to use, when necessary, the Company's Seal :

15 To refer Disputes to Arbitration, and compromise any Debts or Claims due to or from the Company from or to any other Person, including any Contributory or alleged Contributory :

To prove, claim, rank, and draw a Dividend, in the Matter of the Bankruptcy or Insolvency or Sequestration of any Contributory, for any Balance against the Estate of such Contributory, and to take and receive Dividends in respect of such Balance, in the
20 Matter of Bankruptcy or Insolvency or Sequestration, as a separate Debt due from such Bankrupt or Insolvent; and rateably with the other separate Creditors :

To draw, accept, make, and endorse any Bill of Exchange or Promissory Note, and also to raise upon the Security of the Assets of the Company from Time to Time any requisite Sum or Sums of Money ; and the drawing, accepting, making, or endorsing of every such Bill of Exchange or Promissory Note as aforesaid on behalf of the Company shall have the same Effect with respect
30 to the Liability of such Company as if such Bill or Note had been drawn, accepted, made, or endorsed by such Company in the course of carrying on the Business thereof :

To do and execute all such other Things as may be necessary for winding up the Affairs of the Company and distributing its
35 Assets.

CV. The Official Liquidators may, with the Approval of the Court, appoint a Solicitor or Law Agent, and such Clerks or Officers as may be necessary to assist them in the Performance of their Duties : There shall be paid to such Solicitor or Law Agent, Clerks and
40 Officers, such Remuneration by way of Fees or otherwise as may be allowed by the Court.

Appoint-
ment of
Solicitor to
Official
Liquidators.

Remunera-
tion of
Official
Liquidators.

CVI. There shall be paid to the Official Liquidators such Salary or Remuneration, by way of Per-centage or otherwise, as the Court may direct.

Dissolution
of Company.

CVII. When the Affairs of the Company have been completely wound up, the Court shall make an Order or Decree declaring the Company to be dissolved from the Date of such Order or Decree, and the Company shall be dissolved accordingly. 5

Registrar
to make
Minute of
Dissolution
of Company.

CVIII. Any Order or Decree so made shall be reported by the Official Liquidators to the Registrar, who shall make a Minute accordingly in his Books of the Dissolution of such Company. 10

Power of
Lord
Chancellor
of Great
Britain to
make Rules.

CIX. In England, the Lord Chancellor of Great Britain, with the Advice and Consent of the Master of the Rolls and any One of the Vice-Chancellors for the Time being, or with the Advice and Consent of any Two of the Vice-Chancellors, may, as often as Circumstances require, make such Rules concerning the Mode of proceeding to be had for winding up any Company registered under this Act in the Court of Chancery as may from Time to Time seem necessary; but, until such Rules are made, the general Practice of the Court of Chancery, including the Practice hitherto in use in winding up Companies, shall, so far as the same is applicable, and not inconsistent with this Act, apply to all Proceedings for winding up a Company, and Official Liquidators shall be considered as occupying in all respects the Place of an Official Manager. 15 20

Power of
Lord Chan-
cellor of
Ireland to
make Rules.

CX. In Ireland, the Lord Chancellor of Ireland may, as respects the winding up of Companies in Ireland, with the Advice and Consent of the Master of the Rolls in Ireland, exercise the same Power of making Rules as is by this Act herein-before given to the Lord Chancellor of Great Britain; but, until such Rules are made, the general Practice of the Court of Chancery in Ireland, including the Practice hitherto in use in Ireland in winding up Companies, shall, so far as the same is applicable, and not inconsistent with this Act, apply to all Proceedings for winding up a Company, and Official Liquidators shall in all respects be considered as occupying the Place of an Official Manager. 25 30

Power of
Court of
Session in
Scotland
to make
Rules.

CXI. In Scotland the Court of Session may, by Act of Sederunt, exercise the same Power of making Rules of Practice as is herein-before given to the Lord Chancellor of Great Britain as regards England, but, until such Rules are made, the general Practice of the Court of Session in Suits pending in such Court shall, so far as the same is applicable, and not inconsistent with this Act, apply to all Pro- 35 40

Proceedings for winding up a Company, and Official Liquidators shall in all respects be considered as possessing the same Powers as any Trustee on a Bankrupt Estate.

CXII. The Lord Chancellor of Great Britain as respects the Court of Chancery in England, the Lord Chancellor of Ireland as respects the Court of Chancery in Ireland, the Court of Session in Scotland by Act of Sederunt as respects Proceedings in such Court, may make Rules specifying the Fees to be paid in respect of Proceedings taken under this Act for winding up a Company in such Courts respectively, and the Fees so paid in any Court of Chancery or Bankruptcy shall be applied in the Manner in which Fees taken in such Courts in ordinary Proceedings are applied.

Rules with respect to Fees.

Voluntary Winding-up of Company.

CXIII. Any Company registered under this Act may be wound up voluntarily,

Circumstances under which Company may be wound up voluntarily.

(1.) Whenever the Period, if any, fixed for the Duration of the Company by the Regulations of the Company expires, or whenever the Event, if any, occurs, upon the Occurrence of which it is provided by the Regulations of the Company that the Company is to be dissolved:

(2.) Whenever the Company in General Meeting has passed a Special Resolution requiring the Company to be wound up voluntarily.

Whenever a Company is wound up voluntarily the Company shall, from the Date of the Commencement of such Winding-up, cease to carry on its Business, except in so far as may be required for the beneficial Winding-up thereof, but its Corporate State and all its Corporate Powers shall, notwithstanding any Provision to the contrary in its Articles of Association, continue until the Affairs of the Company are wound up.

CXIV. Notice of any Special Resolution to wind up a Company voluntarily shall be given, as respects Companies registered in England, in the London Gazette, as respects Companies registered in Scotland in the Edinburgh Gazette, and as respects Companies registered in Ireland in the Dublin Gazette.

Notice of Resolution to wind up voluntarily.

CXV. The following Consequences shall ensue upon the voluntary Winding-up of a Company:

Consequences of voluntary winding-up.

(1.) The Property of the Company shall be applied in satisfaction of its Liabilities, and, subject thereto, shall, unless it be otherwise provided by the Regulations of the Company, be distributed amongst the Members in proportion to their Interests:

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D 4

(2.) Liqui-

- (2.) Liquidators shall be appointed for the Purpose of winding up the Affairs of the Company and distributing the Property :
- (3.) The Company in General Meeting may appoint such Person or Persons as it thinks fit to be a Liquidator or Liquidators, and may fix the Remuneration to be paid to them : 5
- (4.) If One Person only is appointed, all the Provisions herein contained in reference to several Liquidators shall apply to him :
- (5.) When several Liquidators are appointed, every Power hereby given may be exercised by any Two of them :
- (6.) The Liquidators may at any Time after the passing of the 10 Resolution for winding up the Company, and before they have ascertained the Sufficiency of the Assets of the Company, or the Debts in respect of which the several Classes of Contributories are liable, call on all or any of the Contributories to the Extent of their Liability to pay all or any 15 Sums they deem necessary to satisfy the Debts of the Company and the Costs of winding it up, and they may in making a Call take into consideration the Probability that some of the Contributories upon whom the same is made may partly or wholly fail to pay their respective Portions of the 20 same :
- (7.) The Liquidators shall have all Powers herein-before vested in Official Liquidators, and may exercise the same without the Intervention of the Court :
- (8.) All Books, Papers, and Documents in the Hands of the 25 Liquidators shall at all reasonable Times be open to the Inspection of the Members :
- (9.) When the Creditors are satisfied, the Liquidators shall proceed to adjust the Rights of the Contributories amongst themselves, and for the Purposes of such Adjustment they may 30 make Calls on all the Contributories to the Extent of their Liability for any Sums they may deem necessary, and they may in making a Call take into consideration the Probability that some of the Contributories upon whom the same is made may partly or wholly fail to pay their respective Portions of 35 the same :
- (10.) As soon as the Affairs of the Company are fully wound up, the Liquidators shall make up an Account showing the Manner in which such Winding-up has been conducted, and the Property of the Company disposed of ; and such Account, 40 with the Vouchers thereof, shall be laid before such Person or Persons as may be appointed by the Company to inspect the same ; and upon such Inspection being concluded the Liquidators shall proceed to call a General Meeting of the Members for the Purpose of considering such Account ; but no such 45 Meeting

Meeting shall be deemed to be duly held unless One Month's previous Notice, specifying the Time, Place, and Object of such Meeting, has been published, as respects Companies registered in England in the London Gazette, and as respects
 5 : Companies registered in Scotland in the Edinburgh Gazette, and as respects Companies registered in Ireland in the Dublin Gazette:

(11.) Such General Meeting shall not enter upon any Business except the Consideration of the Account; but the Meeting
 10 may proceed to the Consideration thereof, notwithstanding the Quorum required by any Regulation of the Company to be present at General Meetings is not present thereat; and if, on consideration, the Meeting is of opinion that the Affairs of the Company have been fairly wound up, they shall pass
 15 a Resolution to that Effect, and thereupon the Liquidators shall publish a Notice of such Resolution, as respects Companies registered in England in the London Gazette, and as respects Companies registered in Scotland in the Edinburgh Gazette, and as respects Companies registered in Ireland in
 20 the Dublin Gazette, and shall also make a Return to the Registrar of such Resolution, and on the Expiration of One Month from the Date of the Registration of such Return the Company shall be deemed to be dissolved:

(12.) If within One Year after the passing of a Resolution for a
 25 Winding-up the Affairs of the Company such Affairs are not wound up, the Liquidators shall immediately thereafter make up an Account showing the State of the Affairs and the Progress which has been made in winding up down to that Date, and they shall add thereto a Report stating the Reason
 30 why the Winding-up has not been completed, and a General Meeting shall be called to consider the same, and so on from Year to Year until the Winding-up of the Affairs of the Company is completed:

All Costs, Charges, and Expenses properly incurred in the voluntary
 35 Winding-up of a Company, including the Remuneration of the Liquidators, shall be payable out of the Assets of the Company in priority to all other Claims.

CXVI. The voluntary Winding-up of a Company shall not prejudice
 40 the Right of any Creditor of such Company to institute Proceedings for the Purpose of having the same wound up by the Court.

Saving of
Rights of
Creditors.

CXVII. Where an Insurance Company is being wound up voluntarily, and the whole or a Portion of its Business or Property is about to be transferred to another Company, registered under this Act, the Liqui-

Power for
Liquidators
to accept
Shares, &c.

as a Consideration for Sale of Property of Company.

dators of the first-mentioned Company may, with the Sanction of a Special Resolution of the Company by whom they were appointed, receive in Compensation or Part Compensation for such Sale, Shares, Policies, or other like Interests in such other Company, for the Purpose of Distribution amongst the Members of the Company being wound 5' up, or may enter into any other Arrangement whereby the Members of the Company being wound up may, in lieu of receiving Cash or Shares, or in addition thereto, participate in the Profits of or receive any other Benefit from the purchasing Company; and any Sale made or Arrangement entered into by the Liquidators in pursuance of this 10 Section shall be binding on the Members of the Company being wound up, subject to this Proviso, that if any Member of the Company being wound up who has not voted in favour of the Special Resolution passed by his Company at either of the Meetings held for passing the same expresses his Dissent from any such Special Resolu- 15 tion in Writing addressed to the Liquidators or One of them, and left at the registered Office of the Company, not later than Seven Days after the Date of the last of the Meetings at which such Special Resolution was passed, such dissentient Member may require the Liquidators to do such One of the following Things as they may 20 prefer, that is to say, either to abstain from carrying such Resolution into effect, or to purchase the Interest held by such dissentient Member at such Price as may be agreed upon or settled by Arbitration, such Purchase Money to be paid before the Company is dissolved, and to be raised by the Liquidators in such Manner as 25 may be determined by special Resolution.

Power of Liquidators to call General Meeting.

CXVIII. In the Case of a Company being wound up voluntarily, the Liquidators may, from Time to Time, during the Continuance of such Winding-up, summon General Meetings of the Company for the Purpose of obtaining the Sanction of the Company by a Special 30 Resolution, or for such other Purposes as they think fit.

Power of Court to adopt Proceedings of voluntary Winding-up.

CXIX. Where a Company is in course of being wound up voluntarily, and Proceedings are taken for the Purpose of having the same wound up by the Court, the Court may, if it thinks fit, notwithstanding that it makes an Order directing the Company to be wound 35 up by the Court, provide in such Order or in any other Order for the Adoption of all or any of the Proceedings taken in the course of the voluntary Winding-up: It may also, instead of making an Order that the Company should be altogether wound up by the Court, direct that the voluntary Winding-up should continue, but subject 40 to such Supervision of the Court, and with such Liberty for Creditors, Contributories, or others to apply to the Court, and generally

generally upon such Terms and subject to such Conditions as the Court thinks just.

CXX. If the Liquidators make default in reporting to the Registrar, in the Case of a Company being wound up by the Court, the
 5 Decree declaring the Company to be dissolved, and in the Case of a Company being wound up voluntarily, the Resolution declaring the Company to have been fairly wound up, they shall be liable to a Penalty not exceeding Five Pounds for every Day during which they are so in default, and moreover shall not, while so in default,
 10 be entitled to recover any Compensation for their Services as Liquidators.

CXXI. If at the Expiration of Twelve Months from the Date of the Dissolution of any Company that has been wound up under this Act there remain in the Hands of the Liquidators any Money,
 15 Shares, or other Property which they have been unable, by reason of the Absence or Death of any Person entitled thereto, or for any other Reason, to distribute amongst the Parties so entitled, the Liquidators shall be deemed to be Trustees of such Monies, Shares, or other Property, within the Meaning of an Act passed in the
 20 Eleventh Year of the Reign of Her present Majesty, Chapter Ninety-six, and intituled "An Act for better securing Trust Funds, and for "the Relief of Trustees," and of any Act amending the same, and may pay or transfer such Monies, Shares, or other Property into the Court of Chancery accordingly.

Penalty on Liquidators not reporting Dissolution of Company to Registrar.

Remedy for Liquidators having in their Hands undistributed Assets of the Company.

25

PART V.

REGULATIONS APPLICABLE TO ALL LIFE INSURANCE COMPANIES.

CXXII. Every existing or future Company, whether registered or not under this Act, carrying on the Business of Insurance on Human Lives, shall, at such Periods as are herein-after mentioned, render an
 30 Account, specifying the following Matters; that is to say,

Account to be rendered by Life Insurance Companies.

(1.) A Table of annual Premiums used by the Company on granting Assurances during the Period over which the Account extends for the whole Term of Life, distinguishing Assurances with Profit from Assurances without Profits, and
 35 including the Rates at all Ages for which the same are published :

(2.) The gross Amount of all Sums assured on Lives for the whole Term of Life in existence on the Day when the Account is closed, distinguishing the gross Sum assured on Lives
 40 according to the Ages at the Date of Account for each

[176.]

F

Decade

Decade of Life, from the youngest to the oldest Ages, commencing at Birth, distinguishing for each Decade the Amounts re-assured in other Offices :

- (3.) The gross Amount of annual Premiums, distinguishing ordinary and extra Premiums, receivable in respect of Assurances mentioned under the last Head, showing also the Amounts payable to other Offices for Re-assurance in each Decade of Life :
- (4.) The gross Amount of all Sums assured for other Periods or on other Contingencies than expressed in Number Two : 10
- (5.) The gross Amount of annual Premiums receivable in respect of Assurances mentioned under the last Head :
- (6.) The gross Amount of all existing and prospective reversionary Additions made to Policies, classified as expressed in No. 2.
- (7.) The gross Amount of annual Deduction, permanent or temporary, by way of Bonus from Premiums classified as expressed under Head 2 : 15
- (8.) The gross Amount, if any, of immediate Annuities payable on Lives, distinguishing the Sums payable on Lives in each Decade of Life, commencing at Birth : 20
- (9.) A Statement of paid up Capital in Shares or Stock, Loans to the Company and Deposits, and any other Classes of Liabilities or Engagements to which the Company may be subject, specifying their Nature and Amount, and also the Amount of any Premiums receivable on account thereof respectively : 25
- (10.) A Statement of all the Capital possessed by the Company, distinguishing—
 - (a) Amount of Cash ;
 - (b) The Cost Amount of all the British or Foreign Government Securities held at the Date of the Account, distinguishing the Amount of each Stock ; 30
 - (c) The Amount advanced on Mortgage of Freehold, Leasehold, or Copyhold Estates, distinguishing whether in the United Kingdom or elsewhere ; 35
 - (d) The Amount invested in any other Description of Securities, specifying their Nature and the Amount invested in each Class of Security :

The Account required to be given by this Section shall be rendered once at least in every Period of Five Years in the Case of a future Company, and once at the least in every Period of Seven Years in the Case of a Company existing at the Time of the passing of this Act. It shall be signed by the Actuary or other principal Officer of the Company : Provided, that in the Case of a Company carrying on the Business of Insurance on Lives in common with other Business, the

the Accounts required to be given by this Section shall extend only to Liabilities and Engagements depending on Life, and to the Capital available for discharging the same.

CXXIII. The Accounts hereby required to be given shall be
5 forthwith sent to the Registrar of Joint Stock Companies, whose
Duty it shall be to register the same.

Copies of
Accounts to
be sent to
every
Member.

CXXIV. If any Insurance Company makes default in preparing such
Accounts as aforesaid, the Actuary or other principal Officer of the
Company shall be liable to a Penalty not exceeding Five Pounds for
10 every Day during which such Default continues ; and if any Company
makes default in sending Copies of such Accounts to the Registrar,
the Actuary or other principal Officer of the Company shall be liable
to any Penalty not exceeding Five Pounds for every Day during
which such Default continues.

Penalty on
Company
making
default with
respect to
Accounts.

SCHEDULE.

Section
VII.

FORM A.

Proprietary.

Memorandum of Association of the "National Insurance Company."

1st. The Name of the Company is "The National Insurance Company."

2d. The registered Office of the Company is to be established in England.

3d. The Object for which the Company is established is "the effecting Insurances on Lives or Survivorships, or on any Contin-
gencies relating to or connected with Lives or Survivorships."

5th. The nominal Capital of the Company is Two hundred thousand Pounds, divided into One thousand Shares of Two hundred Pounds each.

We, the several Persons whose Names and Addresses are subscribed, are desirous of being formed into a Company, in pursuance of this Memorandum of Association, and we respectively agree to take the Number of Shares in the Capital of the Company set opposite our respective Names.

Names and Addresses of Subscribers.			Number of Shares taken by each Subscriber.
" 1. John Jones of	in the County of	-	200
" 2. John Smith of	in the County of	-	25
" 3. Thomas Green of	in the County of	-	30
" 4. John Thompson of	in the County of	-	40
" 5. Caleb White of	in the County of	-	15
" 6. Andrew Brown of	in the County of	-	5
" 7. Cæsar White of	in the County of	-	10
Total Shares taken			325

Dated the 22d Day of November 1855.

Witness to the above Signatures,

A.B., No. 13, Hute Street, Clerkenwell, Middlesex.

FORM B.

Mutual.

MEMORANDUM of ASSOCIATION of the "London Mutual Insurance Company."

1st. The Name of the Company is "The London Mutual Insurance Company."

2d. The registered Office of the Company is to be situate in England.

3d.

3d. The Object for which the Company is established is "to insure the Ships of Members of the Company against all Losses, Perils, and Damages."

4th. The Number of Members of the Company is to be Five hundred.

WE, the several Persons whose Names and Addresses are subscribed, are desirous of being formed into a Company, in pursuance of this Memorandum of Association, and of the accompanying Articles of Association.

Names and Addresses of Subscribers.

" 1. John Jones of	in the County of
" 2. John Smith of	in the County of
" 3. Thomas Green of	in the County of
" 4. John Thompson of	in the County of
" 5. Caleb White of	in the County of
" 6. Andrew Brown of	in the County of
" 7. Cæsar White of	in the County of

Dated the 22d Day of November 1856.

Witness to the above Signatures,

A.B., No. 13, Hute Street, Clerkenwell, Middlesex.

TABLE C.
Table of Fees.

Section
XII.

For Registration of a Company whose nominal Capital does not exceed 1,000 <i>l</i> .	£	s.	d.
	-	5	0 0
For every 1,000 <i>l</i> . of nominal Capital, or Part of 1,000 <i>l</i> ., after the first 1,000 <i>l</i> ., and up to 100,000 <i>l</i> ., an additional Fee of	-	0	5 0
For every 1,000 <i>l</i> . or Part of 1,000 <i>l</i> . after the first 100,000 <i>l</i> ., an additional Fee of	-	0	1 0
For Registration of any Increase in the Capital of a Company, for every 1,000 <i>l</i> . or Part of 1,000 <i>l</i> ., up to 100,000 <i>l</i> . in the whole	-	0	5 0
For every 1,000 <i>l</i> . or Part of 1,000 <i>l</i> . beyond the first 100,000 <i>l</i> . an additional Fee of	-	0	1 0
For registering any Document hereby required or authorized to be registered, other than the Memorandum of Association	-	0	5 0
For making a Record of any Fact hereby authorized or required to be recorded by the Registrar of Companies, a Fee of	-	0	5 0

TABLE D.

Table of Fees.

	£	s.	d.
For Registration of a Company whose proposed Number of Members does not exceed 100	5	0	0
For every additional 50 Members or Number less than 50 after the first 100, an additional Fee of	0	5	0
For Registration of a Company the Number of whose Members is unlimited, a Fee of	50	0	0
For registering any Document hereby required or authorized to be registered, other than the Memorandum of Association	0	5	0
For making a Record of any Fact hereby authorized or required to be recorded by the Registrar of Companies, a Fee of	0	5	0
Documents, per Folio	0	0	6

FORM E.

*For England and Ireland.*Section
XLII.

Indenture of Mortgage made between the "London Mutual Insurance Company" of the one Part, and "John Smith" of the other Part.

Whereas the said "John Smith" has advanced to the said Company the Sum of One thousand Pounds, on condition that the Company will repay the same to him on the First Day of January next, with Interest thereon in the meantime at the Rate of Five Pounds per Centum; and in the event of their not repaying the same on the said First of January will, so long as the same remains unpaid, pay Interest thereon at the Rate of Five Pounds per Centum by equal half-yearly Payments on the First Day of July and the First Day of January in every Year:

Now it is hereby witnessed, that for securing the said Advance and Interest the Company hereby grant to the said "John Smith" and his Heirs all the Lands described in the Schedule hereto, with all their actual and reputed Appurtenances; and it is hereby declared, that if the Company fails in paying the whole of the Principal and Interest Monies hereby secured on the said First of January, the said "John Smith," or any Person for the Time entitled to such Monies, may, at any Time thereafter, upon giving to the Company Three Months

Notice

Notice, sell the said mortgaged Lands, and reimburse himself out of the Monies arising from the Sale all Sums due on this Security, and all Expenses incurred by him in respect of such Sale, rendering the Surplus, if any, to the Company or their Assigns. The Condition as to Notice shall apply only between the Parties to this Indenture, and shall not affect a Purchaser, a Sale to whom shall be valid notwithstanding such Notice may not have been given.

In witness, &c.

FORM F.

Section
XLIII.

For Scotland.

Bond and Disposition in Security by the "Edinburgh Insurance Company" to "John Smith."

Whereas the said "John Smith" has advanced to the said Company the Sum of One thousand Pounds, on condition that the Company will repay the same to him on the First Day of January next, with Interest thereon in the meantime at the Rate of Five Pounds per Centum; and in the event of their not repaying the same on the said First of January will, so long as the same remains unpaid, pay Interest thereon at the Rate of Five Pounds per Centum by equal half-yearly Payments on the First Day of July and the First Day of January in every Year:

Therefore, for securing the said Advance and Interest, the said Company hereby dispoñe to the said "John Smith," and his Heirs and Assignees whomsoever, all and whole (describe the Lands); and it is hereby declared that if the Company fails in paying the whole of the Principal and Interest Monies hereby secured on the said First of January, the said "John Smith," or any Person for the Time entitled to such Monies, may, at any Time thereafter, upon giving to the Company Three Months Notice, sell the said Lands, and reimburse himself out of the Monies arising from the Sale all Sums due on this Security, and all Expenses incurred by him in respect of such Sale, rendering the Surplus, if any, to the Company or their Assigns: The Condition as to Notice shall apply only between the Parties to this Indenture, and shall not affect a Purchaser, a Sale to whom shall be valid notwithstanding such Notice may not have been given.

In witness whereof.

(To be tested and signed in common Form.)

Insurance Companies.

A

B I L L

[AS AMENDED IN COMMITTEE AND ON
RE-COMMITMENT]

For the Incorporation and Regulation of
Insurance Companies.

*(Prepared and brought in by
Mr. Wilson, the Chancellor of the Exchequer, and
Mr. Lowe.)*

*Ordered, by The House of Commons, to be Printed,
4 August 1857.*

[Bill 176.]

Under 5 oz.

15 June 1857. 20 VICT. (Sess. 2.)



A

B I L L

TO

Continue the Act for extending for a limited Time
the Provision for Abatement of Income Tax in
respect of Insurance on Lives.

WHEREAS an Act was passed in the Session of Parliament Preamble.
holden in the Sixteenth and Seventeenth Years of Her
Majesty's Reign, Chapter Ninety-one, intituled "An Act 16 & 17 Vict.
" to extend for a limited Time the Provision for Abatement of In- c. 91.
5 " come Tax in respect of Insurance on Lives," and was limited to
continue in force until the Fifth Day of July One thousand eight
hundred and fifty-four: And whereas, by certain other Acts subse-
quently passed, and more especially by an Act passed in the Session
of Parliament holden in the Nineteenth and Twentieth Years of Her
10 Majesty's Reign, Chapter Thirty-three, the said first-mentioned Act 19 & 20 Vict.
has been amended and extended, and now stands limited to continue c. 33.
in force until the Fifth Day of July One thousand eight hundred
and fifty-seven, and it is expedient further to continue the same so
15 enacted by the Queen's most Excellent Majesty, by and with the
Advice and Consent of the Lords Spiritual and Temporal, and Com-
mons, in this present Parliament assembled, and by the Authority of
the same, as follows:

[Bill 63.]

I. The

2 *Insurance on Lives (Abatement of Income Tax) Continuance.*

16 & 17 Vict.
c. 91. con-
tinued until
6th April
1860.

I. The said first-mentioned Act, so amended as aforesaid, shall be and the same is hereby continued in force until *the Sixth Day of April One thousand eight hundred and sixty.*

**Insurance on Lives (Abatement
of Income Tax) Continuance.**

A

B I L L

To continue the Act for extending for a limited Time the Provision for Abatement of Income Tax in respect of Insurance on Lives.

(*Prepared and brought in by
Mr. Wilson and the Chancellor of the Exchequer.*)

*Ordered, by The House of Commons, to be Printed,
15 June 1857.*

[Bill 63.]

Under 1 oz.

22 May 1857. 20 VICT. (Sess. 2.)



A

B I L L

TO

Amend the Act Seven and Eight Victoria, Chapter One hundred and eleven, for facilitating the winding up the Affairs of Joint Stock Companies unable to meet their pecuniary Engagements, and also the “Joint Stock Companies Winding-up Acts, 1848 and 1849.”

WHEREAS it is expedient to amend the Act Seven and Eight Victoria, Chapter One hundred and eleven, intituled “An Act for facilitating the winding up the Affairs of Joint Stock Companies unable to meet their pecuniary Engagements,” and also to amend the “Joint Stock Companies Winding-up Acts, 1848 and 1849,” and also to make Provision for the more equal Distribution amongst Creditors as well of the Assets to arise from the separate Estates or Contributions of Shareholders in any Company as of the joint Assets thereof: Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in
 [Bill 26.] A this

this present Parliament assembled, and by the Authority of the same, as follows:—

Judge or Master by Advertisement may call Meetings of Creditors to appoint Representative of Creditors.

I. In all Cases in which an Order heretofore has been or hereafter shall be made for the Dissolution and winding up or for the winding up of any Company, it shall be lawful for the Judge or Master charged with the winding up of any Company, at the Instance of any Creditor of such Company or otherwise, in all Cases in which it shall appear expedient, and for the Benefit of the Parties interested, in and by the Advertisement for Proof of Debts required by the Seventy-second Section of the “Joint Stock Companies Winding-up Act, 1848,” or by subsequent Advertisements, or by Notice transmitted to each of the Creditors by Post, as directed by the said Two before-mentioned Acts, from Time to Time to call upon the Creditors of the Company to meet before such Judge or Master at such Time and Place as shall be fixed by him, for the Purpose of appointing One or more Person or Persons other than the Official Manager to represent all the Creditors of the said Company in and about the said Proceedings before him, or in and about so many and such of the same Proceedings as to such Judge or Master shall from Time to Time seem expedient; and it shall be lawful for *Two Thirds* in Value of the Creditors present at such Meetings, whose Debts shall have been proved before the said Judge or Master, or who shall previously to such Meeting have lodged an Affidavit of their Debt before him, and who would be entitled to vote in the Choice of Assignees under a Bankruptcy, by themselves or by some Person authorized by any Letter or Writing under the Hand of such Creditor, and which Letter or Writing shall require no Stamp Duty to be paid thereon, to choose some Person or Persons to represent all the Creditors of any such Company accordingly; and the Proceedings of such Meeting shall be conducted before and by the said Judge or Master in the same Manner as would be the Case if the said Creditors were proceeding to the Election of Assignees in Bankruptcy; provided, that the said Judge or Master may reject any Person or Persons so chosen who shall appear to him unfit to be such Representative or Representatives, or may remove any such Representative or Representatives, and upon such Rejection or Removal a new Choice of a Representative or Representatives shall be made in like Manner; and from and after the issuing of any such Advertisement as aforesaid all the Creditors of the said Company shall be deemed Parties to the Winding-up: Provided always, that in case such Company shall be or have been adjudged bankrupt, the Assignees of the Estate and Effects of such Bankrupt Company shall be deemed and taken to be and they are hereby constituted (without such Advertisement or Meeting as herein-before mentioned) the Representatives of the Creditors for the Purposes

After such Advertisement, Creditors to be deemed Parties to the Winding-up.

Assignees of Bankrupt Companies to be such Representatives.

Purposes of this Act, and shall have and exercise the same Rights and Powers as are hereby given to or vested in such Representative or Representatives; and provided also, that if any such Representative or Representatives of the Creditors shall have been chosen or appointed
 5 in the Matter of the winding up of any Company before the Appointment of Assignees under the Adjudication of Bankruptcy against the same Company, then upon such Appointment of Assignees the Rights, Powers, and Authorities of such Representative or Representatives shall cease and determine, and the same Rights, Powers, and
 10 Authorities shall thereupon become vested in and may lawfully be had and exercised by such Assignees as aforesaid; and such Representative or Representatives shall be entitled to his or their reasonable Costs in the Matter of the winding up of such Company.

II. Whenever any such Company heretofore has been or hereafter
 15 shall be declared bankrupt, and no Winding-up Order shall have been made, the Assignees may, with the Leave of the Court of Bankruptcy first obtained, after Notice to such Creditors, and subject to such Condition (if any) as to obtaining the Consent of Creditors, or any Proportion of them; as the said Court shall think fit to direct,
 20 and whether the whole of the Assets of such Company shall have been collected or converted or not, and having regard to the Sufficiency of the Assets of the Company for Payment of the Debts or Liabilities of such Company, and also to the Solvency and Means of the several Shareholders or Members of such Company, or any One
 25 or more of them, or to such other Matters as the said Court may deem material, accept and take from all or any or either of the Shareholders or Members of such Company such reasonable Sum or Sums in discharge and satisfaction of the Liability of all and every the Shareholders and Members, or any or either of them, to the
 30 Debts and Liabilities of such Company, in such Manner and at such Times as the Assignees for the Time being of the Estate of such Company shall think fit, or make any other Compromise, Composition, or other Arrangement in the Matter; and all such Sum or Sums as shall be payable thereunder shall be paid to and received by
 35 the Official Assignee, and shall be applied as Part of the Estate and Effects of such Company; and the said Court shall, at the Request of the Assignees for the Time being of such Company, give to the several Shareholders and Members, or such of them as shall be so discharged, a Certificate under the Hand and Seal of the
 40 Commissioner, setting forth the Circumstances of such Discharge, so far as he may deem the same material, and such Certificate shall thenceforth operate to all Intents and Purposes as an absolute Release to the Shareholders and Members to whom the same shall relate, and may be by them pleaded and used in bar and in dis-

Where Com-
 pany bank-
 rupt, and no
 Winding-up
 Order, As-
 signees may
 compromise
 with Share-
 holders so as
 to bind all
 the Creditors.

charge of any Action, Execution, or other Proceeding by any Creditor whose Debt or Claim is by Law provable under such Bankruptcy; and every such Shareholder and Member shall be entitled, as between himself and the other Shareholders or Members of the Company, and in account with the Official Manager, if any shall have been appointed, to Credit in respect of such Sum or Sums as shall by such Certificate be declared to have been paid by him.

Representatives of Creditors may concur in Proceedings, and in Compromises.

III. It shall be lawful for such Representatives or Representative as are herein-before mentioned to join and concur or take part in all the Proceedings in and about the winding up of the said Company, or such of the same Proceedings as the Judge or Master shall deem expedient for the Interest of the Creditors, and also, subject as herein-after is mentioned, and so far as the Creditors of the said Company are concerned, to take part in, consent to, or approve of any Compromise, Composition, or Arbitration or other Arrangement which the Official Manager may propose to make or enter into, either with the Debtors or Creditors of the said Company, or with the Contributories or alleged Contributories thereof, or any or either of them, as well between themselves, as between themselves or either of them and the Creditors of the said Company, or otherwise in respect of its Estate or Affairs; and which Compromise, Composition, or Arbitration the Official Manager is hereby authorized, subject to such Consent and Leave as herein and herein-after mentioned, to make and enter into; and all the Creditors of the said Company, whether their Debts shall have been then proved or not, shall, subject to the Provisions herein-after contained, be fully and effectually bound by the Acts of such Representatives or Representative as to all such Matters as are authorized by this Act.

All Creditors to be bound thereby.

Compromise, &c. to be subject to Consent of Creditors, if required by Judge or Master.

IV. No such Compromise, Composition, Arbitration, or other Arrangement as in the last Section mentioned shall be valid as against the Creditors of the Company, unless the same be made with the Consent of such Representatives, and with Leave of the Judge or Master; and every such Compromise, Composition, Arbitration, or other Arrangement shall be subject to such Conditions (if any) as to obtaining the Consent of Creditors or any Proportion of them as the said Judge or Master shall think fit to direct.

Proceedings under this Act subject to Appeal.

V. All Orders, Directions, Reports, and other Proceedings of or before the Judge or Master under this Act shall be subject to the Appeals given by the Two aforesaid "Joint Stock Companies Winding-up Acts, 1848 and 1849;" and all Orders, Directions, Reports, and other Proceedings of or before the Court of Bankruptcy under this Act

Act shall be subject to the Appeals given by the Bankrupt Law Consolidation Act, 1849.

VI. No Creditor or Claimant shall be prejudiced or affected by any Compromise, Composition, Arbitration, or other Arrangement herein-before authorized, or by carrying the same into effect, as to his Right or Remedy against any Person, other than the Company and the Members and Contributories thereof.

Creditors Rights against Third Persons not to be prejudiced.

VII. When any such Company has been or shall be adjudicated bankrupt, then, if or so soon as Creditors Assignees shall have been appointed, or, when any such Company shall not have been or be adjudicated bankrupt, then after the Judge or Master shall by Advertisement have called on the Creditors to appoint a Representative or Representatives as herein-before mentioned, no such Action as is mentioned in the Seventy-third Section of the said "Joint Stock Companies Winding-up Act, 1848," shall be commenced or proceeded with, otherwise than for the Purpose of making the Company bankrupt, nor shall any Execution or Scire facias be issued or proceeded with against the Person, Property, or Effects of any Member or Members for the Time being of such Company, or any former Member or Members thereof, except by Leave of the Court of Bankruptcy where such Company has been made bankrupt before an Order shall have been made for winding up the Company, or of the said Judge or Master where such Company has not been made bankrupt before such Order shall have been made; and no Time which shall elapse after the Appointment of Creditors Assignees as aforesaid, or after the said Creditors shall be so called on, shall be reckoned as Part of the Time which by virtue of any Statute of Limitations or otherwise is or shall be limited for commencing or prosecuting any Action, Suit, Step, or Proceeding against the Company, or the Persons being Members or Contributories thereof, with reference to or in respect of any Debt or Demand which might be discharged or affected by any such Compromise, Composition, Arbitration, or other Arrangement as is herein-before mentioned.

After Advertisements for Representative, Creditors not to sue at Law without Leave of Judge or Master, and Time is not to run against them.

VIII. On the Hearing of the Application of any Creditor of any such Company for Leave to commence or proceed with any such Action (otherwise than as aforesaid), or to issue or proceed with a Writ of Scire facias or Execution as aforesaid, it shall be a sufficient Ground for refusing such Leave if the Person against whom or against whose Property or Effects such Action, Scire facias, or Execution shall be sought to be commenced, issued, or proceeded with shall give or shall have given to the Official Assignee, in case such Company shall have been declared bankrupt before an Order shall have

Court may require Security.

been made for winding up the Company, or to the Official Manager in case such Company shall not have been declared bankrupt before such Order shall have been made, Security to the Satisfaction of the Court of Bankruptcy or of the Master or Judge, as the Case may be, for Payment of such Sum or Sums of Money, and upon such 5 Terms, and to be applied in such Manner, as the said Court or the said Master or Judge shall require, having regard to the Debts and Liabilities of such Company and to the Circumstances of the Case, and upon Payment of such Costs as the said Court of Bankruptcy or the said Master or Judge may think fit: Provided 10 always, that such Security to the Official Manager shall be subject to the Consent of the Representative (if any) for the Time being of the Creditors of such Company, or if there shall be no such Representative at the Time of giving such Security, then the same shall be subject to the Consent of the Representative of such Creditors when 15 appointed.

Creditors to be at liberty to attend Proceedings and inspect Books of Company.

IX. The Provisions contained in the Thirty eighth, Fortieth, and Forty-eighth Sections of the "Joint Stock Companies Winding-up Act, 1848," shall extend to and comprise Creditors or Persons who have claimed to be Creditors of the said Company as well as Contri- 20 butories and alleged Contributories; and after the Judge or Master shall have called on the Creditors to appoint a Representative or Representatives, as herein-before mentioned, such Creditors and Persons who have claimed to be Creditors shall be entitled to attend the Proceedings, and to submit such Proposals, and to inspect such 25 Books, as in the said Sections of the said Act are mentioned.

Orders for Payment of Money to be Incumbrances in Ireland within 13 & 14 Vict. c. 29.

X. Every Order for Payment of Money made or to be made by the Judge or Master under and by virtue of the said "Joint Stock Companies Winding-up Acts of 1848 and 1849," or either of them, or of this Act, shall be deemed and taken to be an Order of a Court 30 of Equity within the Meaning of the Sixth Section of the Thirteenth and Fourteenth of Her present Majesty, Chapter Twenty-nine, intituled "An Act to amend the Laws concerning Judgments in "Ireland," and such Order shall be capable of being registered, under the Provisions of the said Section, upon an Affidavit containing 35 the several Particulars required by the said Sixth Section of the said last mentioned Act; and the Official Manager shall be deemed under any such Order to be the Creditor of any Contributory against whom such Order has been or shall be made; and the Registration of any such Affidavit shall operate and to the like Manner 40 and Effect as is enacted and provided in the Seventh Section of the last-mentioned Act respecting Affidavits made and registered under the Sixth and Seventh Sections of such last-mentioned Act.

And

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XI. It

XI. It shall be lawful for the Judge or Master of the High Court of Chancery in England acting in the winding up of any Company to appoint any Person in Ireland, and it shall be lawful for the Master of the High Court of Chancery in Ireland acting as aforesaid to appoint any Person in England, other than or in addition to the Commissioners, Judges, and other Persons named in the Twentieth Section of "The Joint Stock Companies Winding-up Act, 1849," to be Commissioners for the Purposes and with the same Powers and Authorities as in the said Twentieth Section of the last-mentioned Winding-up Act are named or referred to in that Behalf.

Judge or Master may appoint Commissioners for receiving Evidence.

XII. This Act shall be taken and construed as a Part of the said "Joint Stock Companies Winding-up Acts, 1848 and 1849.

Act to be deemed Part of Winding-up Acts.

XIII. The Words Shareholder and Member shall be severally taken to include all Contributories or alleged Contributories within the Meaning of the said "Joint Stock Companies Winding-up Acts, 1848 and 1849," and also all Persons who may apprehend or desire to be discharged from Responsibility in respect of the Debts, Liabilities, or Obligations of the Company.

Words Shareholder and Member to be taken to include all Contributories or alleged Contributories.

XIV. In citing this Act in other Acts of Parliament, and in legal Instruments and in legal Proceedings, it shall be sufficient to use the Expression "The Joint Stock Companies Winding-up Amendment Act, 1857.

Short Title of Act.

Joint Stock Companies.

A

B I L L

To amend the Act Seven and Eight Victoria, Chapter One hundred. and eleven, for facilitating the winding up the Affairs of Joint Stock Companies unable to meet their pecuniary Engagements, and also the “Joint Stock Companies Winding-up Acts, 1848 and “1849.”

*(Prepared and brought in by
Mr. Bland, Mr. Attorney General, Sir George
Grey, and Mr. Attorney General for Ireland.)*

*Ordered, by The House of Commons, to be Printed,
22 May 1857.*

4 June 1857. 20 VICT. (Sess. 2.)



A

BILL

[AS AMENDED IN COMMITTEE]

TO

Amend the Act Seven and Eight Victoria, Chapter One hundred and eleven, for facilitating the winding up the Affairs of Joint Stock Companies unable to meet their pecuniary Engagements, and also the "Joint Stock Companies "Winding-up Acts, 1848 and 1849."

WHEREAS it is expedient to amend the Act Seven and Eight Victoria, Chapter One hundred and eleven, intituled "An Act for facilitating the winding up the Affairs of Joint Stock Companies unable to meet their pecuniary Engagements," and also to amend the "Joint Stock Companies Winding-up Acts, 1848 and 1849," and also to make Provision for the more equal Distribution amongst Creditors as well of the Assets to arise from the separate Estates or Contributions of Shareholders in any Company as of the joint Assets thereof: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in

[Bill 41.] A this

this present Parliament assembled, and by the Authority of the same, as follows :

Judge or Master by Advertisement may call Meetings of Creditors to appoint Representative of Creditors.

I. In all Cases in which an Order heretofore has been or hereafter shall be made for the Dissolution and winding up or for the winding up of any Company, it shall be lawful for the Judge or Master charged with the winding up of any Company, at the Instance of any Creditor of such Company or otherwise, in all Cases in which it shall appear expedient, and for the Benefit of the Parties interested, in and by the Advertisement for Proof of Debts required by the Seventy-second Section of the " Joint Stock Companies Winding-up Act, 1848," or by subsequent Advertisements, or by Notice transmitted to each of the Creditors by Post, as directed by the said Two before-mentioned Acts, from Time to Time to call upon the Creditors of the Company to meet before such Judge or Master at such Time and Place as shall be fixed by him, for the Purpose of appointing One or more Person or Persons other than the Official Manager to represent all the Creditors of the said Company in and about the said Proceedings before him, or in and about so many and such of the same Proceedings as to such Judge or Master shall from Time to Time seem expedient ; and it shall be lawful for Two Thirds in Value of the Creditors present at such Meetings, whose Debts shall have been proved before the said Judge or Master, or who shall previously to such Meeting have lodged an Affidavit of their Debt before him, and who would be entitled to vote in the Choice of Assignees under a Bankruptcy, by themselves or by some Person authorized by any Letter or Writing under the Hand of such Creditor, and which Letter or Writing shall require no Stamp Duty to be paid thereon, to choose some Person or Persons to represent all the Creditors of any such Company accordingly ; and the Proceedings of such Meeting shall be conducted before and by the said Judge or Master in the same Manner as would be the Case if the said Creditors were proceeding to the Election of Assignees in Bankruptcy ; provided, that the said Judge or Master may reject any Person or Persons so chosen who shall appear to him unfit to be such Representative or Representatives, or may remove any such Representative or Representatives, and upon such Rejection or Removal a new Choice of a Representative or Representatives shall be made in like Manner ; and from and after the issuing of any such Advertisement as aforesaid all the Creditors of the said Company shall be deemed Parties to the Winding-up : Provided always, that in case such Company shall be or have been adjudged bankrupt, the Assignees of the Estate and Effects of such Bankrupt Company shall be deemed and taken to be and they are hereby constituted (without such Advertisement or Meeting as herein-before mentioned) the Representatives of the Creditors for the Purposes

After such Advertisement, Creditors to be deemed Parties to the Winding-up.

Assignees of Bankrupt Companies to be such Representatives.

Purposes of this Act, and shall have and exercise the same Rights and Powers as are hereby given to or vested in such Representative or Representatives; and provided also, that if any such Representative or Representatives of the Creditors shall have been chosen or appointed
 5 in the Matter of the winding up of any Company before the Appointment of Assignees under the Adjudication of Bankruptcy against the same Company, then upon such Appointment of Assignees the Rights, Powers, and Authorities of such Representative or Representatives shall cease and determine, and the same Rights, Powers, and
 10 Authorities shall thereupon become vested in and may lawfully be had and exercised by such Assignees as aforesaid; and such Representative or Representatives shall be entitled to his or their reasonable Costs in the Matter of the winding up of such Company.

II. Whenever any such Company heretofore has been or hereafter
 15 shall be declared bankrupt, and no Winding-up Order shall have been made before such Company shall have become bankrupt, the Assignees may, with the Leave of the Court of Bankruptcy first obtained, after Notice to such Creditors, and subject to such Condition (if any) as to obtaining the Consent of Creditors, or
 20 any Proportion of them, as the said Court shall think fit to direct, and whether the whole of the Assets of such Company shall have been collected or converted or not, and having regard to the Sufficiency of the Assets of the Company for Payment of the Debts or Liabilities of such Company, and also to the Solvency and Means of
 25 the several Shareholders or Members of such Company, or any One or more of them, or to such other Matters as the said Court may deem material, accept and take from all or any or either of the Shareholders or Members of such Company such reasonable Sum or Sums in discharge and satisfaction of the Liability of all and every
 30 the Shareholders and Members, or any or either of them, to the Debts and Liabilities of such Company, in such Manner and at such Times as the Assignees for the Time being of the Estate of such Company shall think fit, or make any other Compromise, Composition, or other Arrangement in the Matter; and all such Sum or
 35 Sums as shall be payable thereunder shall be paid to and received by the Official Assignee, and shall be applied as Part of the Estate and Effects of such Company; and the said Court shall, at the Request of the Assignees for the Time being of such Company, give to the several Shareholders and Members, or such of them as shall
 40 be so discharged, a Certificate under the Hand and Seal of the Commissioner, setting forth the Circumstances of such Discharge, so far as he may deem the same material, and such Certificate shall thenceforth operate to all Intents and Purposes as an absolute Release to the Shareholders and Members to whom the same shall

Where Company bankrupt, and no Winding-up Order, Assignees may compromise with Shareholders so as to bind all the Creditors.

relate, and may be by them pleaded and used in bar and in discharge of any Action, Execution, or other Proceeding by any Creditor whose Debt or Claim is by Law provable under such Bankruptcy; and every such Shareholder and Member shall be entitled, as between himself and the other Shareholders or Members 5 of the Company, and in account with the Official Manager, if any shall have been appointed, to Credit in respect of such Sum or Sums as shall by such Certificate be declared to have been paid by him.

Representatives of Creditors may concur in Proceedings, and in Compromises.

III. It shall be lawful for such Representatives or Representative as herein-before mentioned to join and concur or take part in all 10 the Proceedings in and about the winding up of the said Company, or such of the same Proceedings as the Judge or Master shall deem expedient for the Interest of the Creditors, and also, subject as herein-after is mentioned, and so far as the Creditors of the said Company are concerned, to make or enter into, take part in, consent to, or approve 15 of any Compromise, Composition, or Arbitration or other Arrangement which the Official Manager may propose to make or enter into, whether for the Discharge and Satisfaction of the Liability of all and every the Shareholders and Members, or any or either of them, to the Debts and Liabilities of such Company or otherwise, as such 20 Representatives or Representative for the Time being shall think fit, and the Certificate of the Judge or Master shall be deemed and taken as full and sufficient Evidence and Proof of every such Compromise, Composition, Arbitration, or other Arrangement, and of any Discharge or Release which may have been thereby effected; and it 25 shall also be lawful for such Representatives or Representative as herein-before mentioned (subject as aforesaid) to take part in, consent to, or approve of any Compromise, Composition, Arbitration, or other Arrangement which the Official Manager may propose to make or enter into with the Debtors or Creditors of the said Company or 30 otherwise in respect of its Estate or Affairs; and all the Creditors of the said Company, whether their Debts shall have been then proved or not, shall, subject to the Provisions herein-after contained, be fully and effectually bound by the Acts of such Representatives or Representative as to all such Matters as are authorized by this Act. 35

All Creditors to be bound thereby.

Compromise, &c. to be subject to Consent of Creditors, if required by Judge or Master.

IV. No such Compromise, Composition, Arbitration, or other Arrangement as in the last Section mentioned shall be valid as against the Creditors of the Company, unless the same be made with the Consent of such Representatives, and with Leave of the Judge or Master; and every such Compromise, Composition, Arbitration, or 40 other Arrangement shall be subject to such Conditions (if any) as to obtaining the Consent of Creditors or any Proportion of them as the said Judge or Master shall think fit to direct.

V. No

V. No Creditor or Claimant shall be prejudiced or affected by any
 5 Compromise, Composition, Arbitration, or other Arrangement herein-
 before authorized, or by carrying the same into effect, as to his Right
 or Remedy against any Person other than the Members and Contri-
 butories thereof, to whom the same shall relate, nor otherwise than
 may be provided thereby; and in the event of any such Compromise,
 Composition, or other Arrangement as mentioned in the Second and
 10 Third Sections of this Act being made with the Contributories or
 alleged Contributories of the said Company, or any or either of
 them, whereby or in consequence whereof all or any of such Con-
 tributories may be or become discharged from further Liability to the
 Creditors of the said Company, then and thereupon the Creditors of
 the said Company, as regards their Rights and Remedies against the
 Persons, Property, and Effects of any Persons who were Shareholders
 15 of the said Company at the Times when the respective Debts or
 Causes of Action of such Creditors arose, shall be in the same
 Position, and have the same Remedies against such former Share-
 holders as last aforesaid, their Persons, Property, and Effects, as if
 such Creditors had obtained Execution of a Judgment Order or
 20 Decree for the Amount of their respective Debts against the Persons,
 Property, and Effects of the Contributories of the said Company
 who shall be or become so discharged as aforesaid, and had been
 unable thereby or otherwise to obtain Satisfaction of such Judgment
 Decree or Order, or Debts, from such Execution or from such Con-
 25 tributories beyond the Amount received by such Creditors respec-
 tively on account of his or their Debts out of the Monies so paid or
 satisfied by the said Contributories or any of them under such
 Composition, Compromise, or Agreement as aforesaid.

Creditors
 Rights
 against Third
 Persons not
 to be pre-
 judiced.

VI. All Orders, Directions, Reports, and other Proceedings of or
 30 before the Judge or Master under this Act shall be subject to the
 Appeals given by the Two aforesaid "Joint Stock Companies Winding-
 up Acts, 1848 and 1849;" and all Orders, Directions, Reports, and
 other Proceedings of or before the Court of Bankruptcy under this
 Act shall be subject to the Appeals given by the Bankrupt Law
 35 Consolidation Act, 1849.

Proceedings
 under this
 Act subject
 to Appeal.

VII. When any such Company has been or shall be adjudicated
 bankrupt, then, if or so soon as Creditors Assignees shall have been
 appointed, or, when any such Company shall not have been or be
 adjudicated bankrupt, then after the Judge or Master shall by
 40 Advertisement have called on the Creditors to appoint a Represen-
 tative or Representatives as herein-before mentioned, no such Action
 as is mentioned in the Seventy-third Section of the said "Joint Stock
 Companies Winding-up Act, 1848," shall be commenced or proceeded
 [41.] A 3 with,

After Ad-
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 not to sue at
 Law without
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 Judge or
 Master, and
 Time is not to
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 them.

with, otherwise than for the Purpose of making the Company bankrupt, nor shall any Execution or Scire facias be issued or proceeded with against the Person, Property, or Effects of any Member or Members for the Time being of such Company, or any former Member or Members thereof, except by Leave of the Court of 5 Bankruptcy where such Company has been made bankrupt before an Order shall have been made for winding up the Company, or of the said Judge or Master where such Company has not been made bankrupt before such Order shall have been made; and no Time which shall elapse after the Appointment of Creditors Assignees as 10 aforesaid, or after the said Creditors shall be so called on, shall be reckoned as Part of the Time which by virtue of any Statute of Limitations or otherwise is or shall be limited for commencing or prosecuting any Action, Suit, Step, or Proceeding against the Company, or the Persons being Members or Contributories thereof, 15 or any former Members or Contributories thereof, with reference to or in respect of any Debt or Demand which might be discharged or affected by any such Compromise, Composition, Arbitration, or other Arrangement as is herein-before mentioned.

Court may
require
Security.

VIII. On the Hearing of the Application of any Creditor of any 20 such Company for Leave to commence or proceed with any such Action (otherwise than as aforesaid), or to issue or proceed with a Writ of Scire facias or Execution as aforesaid, it shall be a sufficient Ground for refusing such Leave if the Person against whom or against whose Property or Effects such Action, Scire facias, or Execution 25 shall be sought to be commenced, issued, or proceeded with shall give or shall have given to the Official Assignee, in case such Company shall have been declared bankrupt before an Order shall have been made for winding up the Company, or to the Official Manager in case such Company shall not have been declared bankrupt before 30 such Order shall have been made, Security to the Satisfaction of the Court of Bankruptcy or of the Master or Judge, as the Case may be, for Payment of such Sum or Sums of Money, and upon such Terms, and to be applied in such Manner, as the said Court or the said Master or Judge shall require, having regard to the Debts 35 and Liabilities of such Company and to the Circumstances of the Case, and upon Payment of such Costs as the said Court of Bankruptcy or the said Master or Judge may think fit: Provided always, that such Security to the Official Manager shall be subject to the Consent of the Representative (if any) for the Time being of 40 the Creditors of such Company, or if there shall be no such Representative at the Time of giving such Security, then the same shall be subject to the Consent of the Representative of such Creditors when appointed.

IX. The

IX. The Provisions contained in the Thirty-eighth, Fortieth, and Forty-eighth Sections of the "Joint Stock Companies Winding-up Act, 1848," shall extend to and comprise Creditors or Persons who have claimed to be Creditors of the said Company as well as Contribu-
 5 butories and alleged Contributories; and after the Judge or Master shall have called on the Creditors to appoint a Representative or Representatives, as herein-before mentioned, such Creditors and Persons who have claimed to be Creditors shall be entitled to attend the Proceedings, and to submit such Proposals, and to inspect such
 10 Books, as in the said Sections of the said Act are mentioned.

Creditors to be at liberty to attend Proceedings and inspect Books of Company.

X. Every Order for Payment of Money made or to be made by the Judge or Master under and by virtue of the said "Joint Stock Companies Winding-up Acts of 1848 and 1849," or either of them, or of this Act, shall be deemed and taken to be an Order of a Court
 15 of Equity within the Meaning of the Sixth Section of the Thirteenth and Fourteenth of Her present Majesty, Chapter Twenty-nine, intituled "An Act to amend the Laws concerning Judgments in "Ireland," and such Order shall be capable of being registered, under the Provisions of the said Section, upon an Affidavit containing
 20 the several Particulars required by the said Sixth Section of the said last-mentioned Act; and the Official Manager shall be deemed under any such Order to be the Creditor of any Contributory against whom such Order has been or shall be made; and the Registration of any such Affidavit shall operate and to the like Manner
 25 and Effect as is enacted and provided in the Seventh Section of the last-mentioned Act respecting Affidavits made and registered under the Sixth and Seventh Sections of such last-mentioned Act.

Orders for Payment of Money to be Incumbrances in Ireland within 13 & 14 Vict. c. 29.

XI. It shall be lawful for the Judge or Master of the High Court of Chancery in England acting in the winding up of any Company
 30 to appoint any Person in Ireland, and it shall be lawful for the Master of the High Court of Chancery in Ireland acting as aforesaid to appoint any Person in England, other than or in addition to the Commissioners, Judges, and other Persons named in the Twentieth Section of "The Joint Stock Companies Winding-up Act, 1849,"
 35 to be Commissioners for the Purposes and with the same Powers and Authorities as in the said Twentieth Section of the last-mentioned Winding-up Act are named or referred to in that Behalf.

Judge or Master may appoint Commissioners for receiving Evidence.

XII. This Act shall be taken and construed as a Part of the said "Joint Stock Companies Winding-up Acts, 1848 and 1849."

Act to be deemed Part of Winding-up Acts.

40 XIII. The Words Shareholder, Member, Contributory, and alleged Contributory shall be severally taken to include all Contributories

Interpretation.

or alleged Contributories within the Meaning of the said "Joint Stock Companies Winding-up Acts, 1848 and 1849," and also all Persons who may apprehend or desire to be discharged from Responsibility in respect of the Debts, Liabilities, or Obligations of the Company.

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Short Title
of Act.

XIV. In citing this Act in other Acts of Parliament, and in legal Instruments and in legal Proceedings, it shall be sufficient to use the Expression "The Joint Stock Companies Winding-up Amendment Act, 1857"

Joint Stock Companies.

A

B I L L

[AS AMENDED IN COMMITTEE]

To amend the Act Seven and Eight Victoria, Chapter One hundred and eleven, for facilitating the winding up the Affairs of Joint Stock Companies unable to meet their pecuniary Engagements, and also the "Joint Stock Companies Winding-up Acts, 1848 and 1849."

*(Prepared and brought in by
Mr. Bland, Mr. Attorney General, Sir George
Grey, and Mr. Attorney General for Ireland.)*

*Ordered, by The House of Commons, to be Printed,
4 June 1857.*

[Bill 41.]

LORDS AMENDMENTS

TO THE

JOINT STOCK COMPANIES BILL.

Note.—The Page and Line refer to the Bill (34.) as first printed by the Lords.

Page 2.

Line 41. After (“Company”) insert (“heretofore has been or
“ hereafter”), and in same Line leave out (“or have
“ been ”)

Page 4.

Line 6. Leave out from (“Company”) to (“to”) in Line 7.
Line 17. Leave out (“which the Official Manager may propose
“ to make or enter into ”)
Line 40. After (“Master”) insert (“who shall give Leave to the
“ Official Manager to be heard thereon ”)
Line 41. After (“as”) insert (“to Payment of the Costs of any
“ Actions, Suits, or other Proceedings, and as ”)

Page 5.

Line 36. After (“Company”) insert (“heretofore”), and in same
Line after (“or”) insert (“hereafter”)

Page 7.

Leave out Clause X.

After Clause XI. insert Clauses A. B. and C.

CLAUSE A. Nothing in this Act contained shall apply to or
affect the Rights and Remedies of any Creditor (unless with his
own Consent) under or in respect of any Judgment obtained
against any Shareholder in Ireland, which Judgment has been
prior to the passing of this Act duly registered in manner
required by the Act passed in the Session of Parliament holden
in the Thirteenth and Fourteenth Years of the Reign of Her
[Bill 163.] present

present Majesty, intituled "An Act to amend the Laws relating " to Judgments in Ireland," or who shall have actually levied Execution or obtained an Attachment; but every such Creditor claiming to retain the Benefit of such registered Judgment, Execution, or Attachment, and not to be affected by any Compromise under this Act, shall be bound forthwith to refund, for the Benefit of the general Creditors, any Dividend already received by him, and shall not be entitled to receive any further Dividend, or to have recourse to any other Remedy or Proceeding other than such Right and Remedies as he may have in respect of such Judgment against the Lands which are affected by the same, until all the other Creditors shall have been paid in full.

CLAUSE B. And whereas the Dissolution and Winding-up of unincorporated Companies for working Mines within and subject to the Jurisdiction of the Stannaries can now in most Cases be conveniently, cheaply, and expeditiously effected in the Court of the Vice-Warden of the Stannaries: Be it enacted, That no Petition shall hereafter be filed in the Court of Chancery under the Joint Stock Companies Winding-up Acts, 1848, 1849, by any Adventurer or Shareholder in such a Company, except upon special Application to that Court, alleging and showing to the Satisfaction of the Court that the Company cannot be effectually dissolved or wound up in the Court of the Vice-Warden, or unless the Vice-Warden shall certify to the Court of Chancery that the Jurisdiction and Powers of his Court are, under the Circumstances, insufficient effectually to dissolve or wind up the same.

CLAUSE C. In all Cases where such a Petition shall upon such Application or Certificate be filed in the Court of Chancery, the Proof of Debts and Creditors Claims, the Sale of Machinery and other Effects of the Company within the Stannaries, and the Distribution of the Proceeds of such Sales, shall be effected (under the general Direction of the Court of Chancery) but by and through the immediate Agency of the Vice-Warden or Registrar of his Court, unless it shall appear to the Court of Chancery to be more conducive to the Interests or Convenience of Adventurers and Creditors, or to the saving of Time or Expense, that such Proceedings or any of them shall take place in the ordinary Course and Practice of the Court of Chancery under the Winding-up Acts above referred to.

LORDS AMENDMENTS

TO THE

JOINT STOCK COMPANIES
BILL.

*Ordered, by The House of Commons, to be Printed,
28 July 1857.*

[Bill 163.]

Under 1 oz.

Joint Stock Companies Act Amendment Bill.

ARRANGEMENT OF CLAUSES.

Preamble.

Preliminary.

1. Short Title of Act.
2. Definition of "Principal Act" and "Joint Stock Companies Acts."

Registry (Part I. of Principal Act.)

3. Penalty on Partnerships exceeding a certain Number.
4. The Registrar to give duplicate Certificate of Incorporation.

Register of Shareholders (Part I. of Principal Act.)

5. Power of limited Company to convert paid-up Shares into Stock.
6. Company to give Notice of Conversion of Capital into Stock.
7. Register of Holders of Stock.
8. Remedy for improper Entry or Omission of Entry on Register of Stock.
9. Power of Court under Twenty-fifth Section of Principal Act to decide on disputed Questions.
10. Penalty on not forwarding Copies of Memorandum and Articles of Association.

Winding-up by Court (Part III. of Principal Act.)

11. Power to arrest Shareholder about to abscond or to remove or conceal any of his Property.
12. Arrested Shareholder may apply to Court for his Discharge.
13. Calls under Third Part of Principal Act to be Specialty Debt.

Official Liquidators (Part III. of Principal Act.)

14. Proviso as to Appointment of Liquidators by Courts other than Court of Bankruptcy.
15. Provision as to Appointment of Liquidators by Court of Bankruptcy.
16. Extension of Power to compromise Debts.
17. Power for Liquidators to accept Shares as a Consideration for Sale of Property of Company.
18. Power of Liquidators to call General Meeting.
19. Power of Court to adopt Proceedings of voluntary Winding-up.

[Bill 38.]

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Repeal

Repeal (Part V. of Principal Act).

20. Repeal of Section 107. of the Principal Act.

Temporary Provisions (Part V. of Principal Act).

21. Provisions as to Companies completely registered under 7 & 8 Vict. c. 110.
22. Repeal of Section 110. of Principal Act.
23. Time within which completely registered Companies are required to register.
24. Penalty on Company not registering.
25. Provision to rectify the List delivered to Registrar.
26. Power for existing Company to register Amount of Stock instead of Shares.
27. Power for Companies to register at their Discretion.
28. Provision as to List of Shareholders required by Section 111. of Principal Act.
29. Exemption of certain Companies from Payment of Fees.
30. Grant of Certificate of Registration, and Effect thereof.
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B I L L

TO

Amend the Joint Stock Companies Act, 1856.

WHEREAS it is expedient that further Provision should be made for the Incorporation and Regulation of Joint Stock Companies, and that for that Purpose the Joint Stock Companies Act, 1856, should be amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:—

Preliminary.

10 I. This Act may be cited for all Purposes as “The Joint Stock Companies Act, 1857.” Short Title of Act.

15 II. “The Joint Stock Companies Act, 1856,” herein-after called “The Principal Act,” and this Act, shall, so far as is consistent with the Context and Objects of such Acts, be construed as One Act, and this Act and the Principal Act may be cited together for all Purposes as “The Joint Stock Companies Acts, 1856 and 1857.” Definition of Principal Act and Joint Stock Companies Acts.

Registry (*Part I. of Principal Act*).

Penalty on Partnerships exceeding a certain Number.

III. The Fourth Section of the Principal Act shall be repealed, and in lieu thereof be it enacted as follows :

If after the *passing of this Act* more than *Twenty* Persons carry on, in Partnership, any Trade or Business, having for its Object 5 the Procurement of Gain to the Partnership, then, unless such Persons are included within One or more of the Classes following, (that is to say,)

1. Are registered as a Company under the Principal Act ;
2. Are a Company incorporated or otherwise legally constituted 10 by or in pursuance of some Act of Parliament, Royal Charter, or Letters Patent ; or
3. Are engaged in working Mines within and subject to the Jurisdiction of the Stannaries ;

Each one of the Persons so carrying on Business in Partnership toge- 15 ther contrary to this Provision shall be severally liable for the Payment of the whole Debts of the Partnership, and may be sued for the same without the Joinder in the Action or Suit of any other Member of the Partnership.

The Registrar to give Duplicate of Certificate of Incorporation.

IV. The Registrar shall on Payment of *Five Shillings* grant a 20 Copy of the Certificate of Incorporation of any Company to any Person applying for the same, and such Certificate shall be admissible in Evidence in like Manner as the Certificate of Incorporation directed to be given by the Principal Act.

Register of Shareholders (*Part I. of Principal Act*). 25

Power of Limited Company to convert paid-up Shares into Stock.

V. Any Limited Company may by special Resolution convert into Stock any Shares which have been fully paid up ; and upon such Conversion being made all the Provisions of the Principal Act or of this Act which require or imply that the Capital of the Company is divided into Shares of any fixed Amount, and distinguished 30 by Numbers, and all the Provisions of the Principal Act that require the Company to keep a Register of Shareholders, or to make an annual List of Shareholders in the Register, shall cease as to so much of the Capital as has been so converted into Stock.

Company to give Notice of Conversion of Capital into Stock.

VI. Any Company that has converted any Portion of its Capital 35 into Stock shall give Notice of such Conversion to the Registrar of Joint Stock Companies within *Fifteen* Days from the Date of the last of the Meetings at which the Resolution was passed by which such Conversion was authorized, and the Registrar shall forthwith record the Fact of such Conversion : If such Notice is not given 40 within the Period aforesaid, the Company shall incur a Penalty not exceeding

exceeding *Five Pounds* for every Day during which such Neglect to give Notice continues.

VII. Any Company that has converted any Portion of its Capital into Stock shall keep at the registered Office of the Company a Register of the Names and Addresses of the Persons for the Time being entitled to such Stock, and such Register shall be open to Inspection in the Manner and subject to the Penalties in and subject to which the Register of Shareholders is by the Principal Act directed to be kept open.

Register of
Holders of
Stock.

VIII. If the Name of any Person is without sufficient Cause entered or omitted to be entered in the Register of Stock of any Company, such Person, or any Holder of Stock in the Company, may apply to have the Register rectified in manner directed by the Twenty-fifth Section of the Principal Act.

Remedy for
improper
Entry or
Omission of
Entry in
Register of
Stock.

IX. The Court may in any Proceeding under the Twenty-fifth Section of the Principal Act decide on any Question relating to the Title of any Person who is a Party to such Proceeding, to have his Name entered in or erased from the Register, whether such Question arises between Two or more Holders or alleged Holders of Shares or Stock, or between any Holders or alleged Holders of Shares or Stock and the Company, and generally the Court may in any such Proceeding decide any Question that it may be necessary or expedient to decide for the Rectification of the Registry.

Power of
Court under
25th Section
of Principal
Act to decide
on disputed
Questions.

X. If any Company makes default in forwarding Copies of the Memorandum of Association and Articles of Association to Shareholders, in pursuance of Section Twenty-seven of the Principal Act, the Company so making default shall for each Offence incur a Penalty not exceeding *One Pound*.

Penalty on
not forward-
ing Copies
of Memoran-
dum and
Articles of
Association
to Share-
holders.

Winding up by Court (Part III. of Principal Act).

XI. Where an Order has been made for winding up a Company under the Third Part of the Principal Act, if upon the Application of the official Liquidator it appears to the Court having Jurisdiction in the Matter of such Winding-up that there is probable Cause for believing that any Contributory to such Company is about to quit the United Kingdom, or otherwise abscond, or to remove or conceal any of his Goods or Chattels, for the Purpose of evading Payment of Calls, or for avoiding Examination in respect of the Affairs of the Company, the Court may, by Warrant directed to such Person or Persons as it thinks fit, cause such Contributory to be arrested, and his Books, Papers, Monies, Securities for Monies, Goods and Chat-

Power to
arrest Share-
holder about
to abscond,
or to remove
or conceal
any of his
Property.
*See Bank-
ruptcy Act,
Sect. 99.*

tels, to be seized, and him and them to be safely kept until such Time as the Court may order.

Arrested
Shareholder
may apply
to Court
for his
Discharge.

XII. Any Contributory who has been arrested or whose Goods or Chattels have been seized under any such Warrant as aforesaid may, at any Time after such Arrest or Seizure, apply to the Court that issued the Warrant to discharge him from Custody, or to direct the Delivery to him of any Books, Papers, Monies, Securities for Money, Goods or Chattels, that may have been seized; and the Court shall take such Application into consideration, and shall make such Order thereon as it thinks just.

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Calls under
Third Part
of Principal
Act to be
Specialty
Debt.

XIII. All Calls that are authorized by the Third Part of the Principal Act to be made on a Contributory, in the event of the Company to which he belongs being wound up by the Court or voluntarily, shall be deemed in England and Ireland to be Specialty Debts due from such Contributory to the Company.

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Official Liquidators (Part III. of Principal Act).

Proviso as to
Appoint-
ment of
Liquidators
by Courts
other than
Court of
Bankruptcy.

XIV. In Cases within the Jurisdiction of the Court of Chancery in England or Ireland, or of the Court of Session in Scotland, or of the Court of the Stannaries, the Court having Jurisdiction shall, in the Appointment of an Official Liquidator or Official Liquidators, consult the Interests of both the Creditors and Contributories, and hear such Creditors or Contributories as it thinks fit to hear with respect to such Appointment. It may, unless both the Creditors and Contributories concur in the Appointment of a single Liquidator, appoint One or more Liquidator or Liquidators to act on behalf of each of such Parties. It may declare that, in case of Difference, any Act may be done by a Majority of Liquidators; or it may require the Liquidators in all Cases of Difference to apply to the Court. It may do anything hereby authorized to be done, either upon the First Appointment of a Liquidator or at any subsequent Stage of the Winding-up; but, notwithstanding anything herein contained, it shall not be obligatory on the Court to appoint more than One Liquidator, if in its Discretion it thinks that such Appointment will be most conducive to Justice.

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Provision
as to Ap-
pointment of
Liquidators
by Court of
Bankruptcy.

XV. In Cases within the Jurisdiction of any Court of Bankruptcy the Official Assignee shall, where a Liquidator is appointed by the Creditors, be considered as appointed as the Representative of the Contributories, and where a Liquidator is appointed by the Contributories be considered as appointed as the Representative of the Creditors.

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XVI. The

XVI. The Power of compromising Debts and Claims given by the Principal Act to the Liquidators therein mentioned shall be deemed to extend to the Compromise of any Calls or Debts due from any Contributory to the Company on Receipt of a smaller Sum in lieu of a greater, or upon such Terms as may be agreed upon, with Power to the Liquidators to take any Security for any Calls or Debts so due, and to give effectual Discharges on Completion of such Compromise, subject to this Proviso, that no such Compromise shall be made by any Official Liquidator except with the Sanction of the Court, and after giving such Notice to Creditors, and subject to such Conditions as to obtaining the Consent of Creditors or any Portion of them as the Court may direct, and that no such Compromise shall be made by the Liquidators appointed on the voluntary Winding-up of a Company, except with the Sanction of a special Resolution.

Extension of
Power to
compromise
Debts.

XVII. Where a Company is being wound up voluntarily, and the whole or a Portion of its Property is about to be sold to another Company, registered under this Act, the Liquidators of the first-mentioned Company may, with the Sanction of a special Resolution of the Company by whom they were appointed, receive, in Compensation or part Compensation for such Sale, Shares in such other Company, for the Purpose of Distribution amongst the Shareholders of the Company being wound up, or may enter into any other Arrangement whereby the Shareholders of the Company being wound up may, in lieu of receiving Cash or Shares, or in addition thereto, participate in the Profits of or receive any other Benefit from the purchasing Company; and any Sale made or Arrangement entered into by the Liquidators in pursuance of this Section shall be binding on the Shareholders of the Company being wound up, subject to this Proviso, that if any Shareholder in the Company being wound who has not voted in favour of the special Resolution passed by his Company at either of the Meetings held for passing the same expresses his Dissent from any such special Resolution, in Writing addressed to the Liquidators or One of them, and left at the registered Office of the Company, not later than *Seven* Days after the Date of the last of the Meetings at which such special Resolution was passed, such dissentient Shareholder may require the Liquidators to do such One of the following Things as they may prefer; that is to say, either to abstain from carrying such Resolution into effect, or to purchase the Shares held by the dissentient Shareholders or Shareholder, at such Price as may be agreed upon or settled by Arbitration, such Purchase Money to be paid before the Company is dissolved, and to be raised by the Liquidators in such Manner as may be determined by special Resolution.

Power for
Liquidators
to accept
Shares as a
Considera-
tion for Sale
of Property
of Company.

Power of
Liquidators
to call Gene-
ral Meeting.

XVIII. In the Case of a Company being wound up voluntarily, the Liquidators may, from Time to Time, during the Continuance of such Winding-up, summon General Meetings of the Company for the Purpose of obtaining the Sanction of the Company by a special Resolution, or for such other Purposes as they think fit.

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Power of
Court to
adopt Pro-
ceedings of
voluntary
Winding-up.

XIX. Where a Company is in course of being wound up voluntarily, and Proceedings are taken for the Purpose of having the same wound up by the Court, the Court may, if it thinks fit, notwithstanding that it makes an Order directing the Company to be wound up by the Court, provide in such Order or in any other Order for the Adoption of all or any of the Proceedings taken in the Course of the voluntary Winding-up: It may also, instead of making an Order that the Company should be altogether wound up by the Court, direct that the voluntary Winding-up should continue, but subject to such Supervision of the Court, and with such Liberty for Creditors, Contri- butories, or others to apply to the Court, and generally upon such Terms and subject to such Conditions as the Court thinks just.

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Repeal (Part V. of Principal Act).

Repeal of
Sect. 107. of
the Princi-
pal Act.

XX. The 107th Section of the Principal Act shall be repealed, and in lieu thereof be it enacted, That,—

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(1.) An Act passed in the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and ten, and intituled “An Act for the Registration, Incorporation, and Regulation of Joint Stock Companies;” and

(2.) An Act passed in the Eleventh Year of the Reign of Her present Majesty, Chapter Seventy-eight, intituled “An Act to amend an Act for the Registration, Incorporation, and Regulation of Joint Stock Companies;” and

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(3.) The Limited Liability Act, 1855,

shall be deemed to have been and still to remain unrepealed as to any Company completely registered thereunder, until such Time as such Company has obtained Registration under the Joint Stock Companies Act, 1856, or the said Joint Stock Companies Acts, 1856, 1857, but from and after such Time, and not before, shall be repealed as to such last-mentioned Company.

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Temporary Provisions (Part V. of Principal Act).

Provisions
as to Com-
panies com-
pletely
registered
under
7 & 8 Vict.
c. 110.

XXI. Where any Company completely registered under the said Act passed in the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and ten, has obtained Registration under the Principal Act after the *Third of November One thousand eight hundred and fifty-six*, but before the *passing of this Act*, such Registration shall be as effectual to all Intents as if it had taken place on

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or

or before the said *Third Day of November One thousand eight hundred and fifty-six*.

XXII. The One hundred and tenth Section of the Principal Act shall be repealed.

Repeal of
Section 110.
of Principal
Act.

5 XXIII. Every Company completely registered under the said Act of the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and ten, including any Company that has obtained a Certificate of Complete Registration under "The Limited
10 "Liability Act, 1855," but excluding any Company formed for the Purpose of Insurance, shall, if it has not already registered under the Principal Act, register under the Joint Stock Companies Acts, 1856, 1857, on or before the *Second Day of November One thousand eight hundred and fifty-seven*, or incur such Penalty as is herein-after mentioned.

Time within
which com-
pletely
registered
Companies
are required
to register.

15 XXIV. If any Company hereby required to register under the Joint Stock Companies Acts makes default in registering on or before the said *Second Day of November One thousand eight hundred and fifty-seven*, then, from and after such Day until the Day on which such Company is registered under the Joint Stock Com-
20 panies Acts, 1856, 1857, the following Consequences shall ensue; (that is to say,)

Penalty on
Company not
registering.

(1.) The Company shall be incapable of suing either at Law or in Equity, but shall not be incapable of being made a Defendant to a Suit either at Law or in Equity :

25 (2.) No Dividend shall be payable :

(3.) Each Director or Manager of the Company shall for each Day during which the Company is in default incur a Penalty of *Five Pounds*, and such Penalty may be recovered by any Person, and be applied by him to his own Use :

30 Nevertheless such Default shall not render the Company so being in default illegal, nor subject it to any Penalty or Disability other than as specified in this Section.

XXV. If the Name of any Person is without sufficient Cause entered or omitted to be entered on such List of Shareholders of the
35 Company as is required by the Principal Act to be given to the Registrar previously to the Registration of any existing Company, such Person, or any Shareholder of the Company, may apply to have the List rectified in manner directed by the Twenty-fifth Section of the Principal Act.

Provision to
rectify List
delivered to
Registrar.

Power for
existing
Company to
register
Amount of
Stock in-
stead of
Shares.

XXVI. Where an existing Company, authorized to register under the Joint Stock Companies Acts, 1856, 1857, has had the whole or any Portion of its Capital converted into Stock, such Company shall, as to the Capital so converted, instead of delivering to the Registrar the Statement of Capital and Shares required by the Principal Act, deliver 5 to the Registrar a Statement of the Amount of Stock belonging to the Company, and the Names of the Persons who were Holders of such Stock, on some Day to be named in the Statement, not more than *Six* Days before the Day of Registration.

Power for
Companies
to register
at their
Discretion.

XXVII. Every Company consisting of *Seven* or more Share- 10 holders, having a Capital of fixed Amount, divided into Shares, also of fixed Amount, duly constituted by Law prior to the *passing of this Act*, and not being a Company hereby required to be registered, may at any Time hereafter, upon Compliance with the Provisions of the Joint Stock Companies Acts, 1856, 1857, register itself as a 15 Company under such Acts, with or without Limited Liability; subject to this Proviso, that no Company shall be registered as a Limited 20 Company unless either the Liability of the Shareholders is already limited to the Amount of the unpaid Calls on their Shares, or an Assent to its being so registered has been given by *Three Fourths* 25 in Number and Value of such of its Shareholders as may have been present, personally or by Proxy, in Cases where Proxies are allowed 30 by the Regulations of the Company at some General Meeting summoned for that Purpose.

Provision as
to List of
Shareholders
required by
Section 111.
of Principal
Act.

XXVIII. The List of Shareholders required by Section One 25 hundred and eleven of the Principal Act to be delivered to the Registrar need not be made up to the Day of the Registration of the Company, but may be made up to any Day not more than *Six* Days before such Day of Registration.

Exemption
of certain
Companies
from Pay-
ment of Fees.

XXIX. No Fees shall be charged in respect of the Registration 30 under the Joint Stock Companies Acts, 1856, 1857, of any Company existing at the Date of this Act, and authorized to be registered by the said Joint Stock Companies Acts or either of them, in Cases where such Company is not registered as a Limited Company, or where previously to its being registered as a Limited Company, the 35 Liability of the Shareholders was limited by some other Act of Parliament or by Letters Patent.

Grant of
Certificate
of Registra-
tion, and
Effect
thereof.

XXX. The Hundred and thirteenth Section of the Principal Act shall be repealed as respects all Companies that may be registered after the *passing of this Act*, and in lieu thereof be it enacted as 40 follows :

follows : Upon Compliance with the Requisitions of the Joint Stock Companies Acts, 1856, 1857, respecting Registration, the Registrar of Joint Stock Companies shall certify under his Hand that the Company applying for Registration is incorporated as a Company under
5 the Joint Stock Companies Act, 1856, 1857, and in the Case of a Limited Company that it is limited, and thereupon such Company shall be incorporated accordingly ; and all Provisions contained in any Act of Parliament, Deed of Settlement, Letters Patent, or other Instrument constituting or regulating the Company shall be deemed
10 to be Regulations of the Company, in the same Manner as if they were contained in a registered Memorandum of Association and Articles of Association ; and all the Provisions of the Joint Stock Companies Acts, 1856, 1857, shall apply to such Company, in the same Manner in all respects as if it had been originally incorporated
15 under such Act, subject to the following Provisoos :

- (1.) That Table B. shall not, unless adopted by special Resolution, apply to any such Company as is mentioned in this Section :
- (2.) That no Company shall have Power to alter any Provision
20 contained in any Act of Parliament relating to the Company :
- (3.) That no Company shall have Power, without the Sanction of the Board of Trade, to alter any Provision contained in any Letters Patent relating to the Company :
- (4.) That nothing herein contained shall authorize any Company
25 to alter any such Provisions contained in any Deed of Settlement, Letters Patent, or other Instrument constituting or regulating the Company, as would, if such Company had originally been incorporated under this Act, have been contained in the Memorandum of Association, and are not
30 authorized by the Joint Stock Companies Acts, 1856, 1857, to be altered :

But nothing herein contained shall derogate from any Power of altering its Constitution or Regulations which may be vested in any
35 existing Company by virtue of any such Act of Parliament, Deed of Settlement, Letters Patent, or other Instrument constituting or regulating the Company, as may have been passed or bears Date before the *passing of this Act.*

Joint Stock Companies Act Amendment.

A

B I L L

To amend the Joint Stock Companies
Act, 1856.

*(Prepared and brought in by
Mr. FitzRoy, Mr. Lowe, and Mr. Wilson.)*

*Ordered, by The House of Commons, to be Printed,
29 May 1857.*

[Bill 38.]

Under 1 oz.

Joint Stock Companies Act Amendment Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Preamble.

Preliminary.

1. Short Title of Act.
2. Definition of "Principal Act" and "Joint Stock Companies Acts."

Registry (Part I. of Principal Act.)

3. Penalty on Partnerships exceeding a certain Number.
4. The Registrar to give Certificate of Incorporation.

Register of Shareholders (Part I. of Principal Act.)

5. Power of Limited Company to convert paid-up Shares into Stock.
6. Company to give Notice of Conversion of Capital into Stock.
7. Register of Holders of Stock.
8. Remedy for improper Entry or Omission of Entry on Register of Stock.
9. Power of Court under Twenty-fifth Section of Principal Act to decide on disputed Questions.
10. Penalty on not forwarding Copies of Memorandum and Articles of Association.

Winding-up by Court (Part III. of Principal Act.)

11. Power to arrest Shareholder about to abscond or to remove or conceal any of his Property.
12. Arrested Shareholder may apply to Court for his Discharge.
13. Calls under Third Part of Principal Act to be Specialty Debt.

Official Liquidators (Part III. of Principal Act.)

14. Proviso as to Appointment of Liquidators by Courts other than Court of Bankruptcy.
15. Provision as to Appointment of Liquidators by Court of Bankruptcy.
16. Extension of Power to compromise Debts.
17. Power for Liquidators to accept Shares as a Consideration for Sale of Property of Company.
18. Power of Liquidators to call General Meeting.
19. Power of Court to adopt Proceedings of voluntary Winding-up.

[Bill 48.]

a

Penalty

ii *Joint Stock Companies Act Amendment.*

20. Penalty on Liquidators not reporting Dissolution of Company to Registrar. (Clause A.)
21. Remedy for Liquidators having in their Hands undistributed Assets of the Company. (Clause B.)

Repeal (Part V. of Principal Act).

22. Repeal of Section 107. of the Principal Act.

Temporary Provisions (Part V. of Principal Act).

23. Provisions as to Companies completely registered under 7 & 8 Vict. c. 110.
 24. Repeal of Section 110. of Principal Act.
 25. Time within which Completely Registered Companies are required to register.
 26. Penalty on Company not registering.
 27. Power for Companies to register at their Discretion.
 28. Power for existing Company to register Amount of Stock instead of Shares.
 29. Provision as to List of Shareholders required by Section 111. of Principal Act.
 30. Exemption of certain Companies from Payment of Fees.
 31. Grant of Certificate of Registration, and Effect thereof.
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A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Joint Stock Companies Act, 1856.

[Note.—*The Clauses marked A. and B. were added in Committee.*]

WHEREAS it is expedient that further Provision should be made for the Incorporation and Regulation of Joint Stock Companies, and that for that Purpose the Joint Stock Companies Act, 1856, should be amended: Be it therefore
5 enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:—

Preamble.

Preliminary.

10 I. This Act may be cited for all Purposes as “The Joint Stock Companies Act, 1857.”

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of Act.

15 II. “The Joint Stock Companies Act, 1856,” herein-after called “The Principal Act,” and this Act, shall, so far as is consistent with the Context and Objects of such Acts, be construed as One Act, and this Act and the Principal Act may be cited together for all Purposes as “The Joint Stock Companies Acts, 1856, 1857.”

Definition of
Principal
Act and
Joint Stock
Companies
Acts.

Registry (Part I. of Principal Act).

Penalty on Partnerships exceeding a certain Number.

III. The Fourth Section of the Principal Act shall be repealed, and in lieu thereof be it enacted as follows :

If after the passing of this Act more than Twenty Persons carry on, in Partnership, any Trade or Business, having for its Object the Procurement of Gain to the Partnership, then, unless such Persons are included within One or more of the Classes following, (that is to say,)

1. Are registered as a Company under the Principal Act ;
2. Are a Company incorporated or otherwise legally constituted by or in pursuance of some Act of Parliament, Royal Charter, or Letters Patent ; or
3. Are engaged in working Mines within and subject to the Jurisdiction of the Stannaries ;

Each one of the Persons so carrying on Business in Partnership together contrary to this Provision shall be severally liable for the Payment of the whole Debts of the Partnership, and may be sued for the same without the Joinder in the Action or Suit of any other Member of the Partnership.

The Registrar to give Certificate of Incorporation.

IV. The Registrar shall on Payment of Five Shillings issue a Certificate of Incorporation of any Company to any Person applying for the same, and such Certificate shall be admissible in Evidence in like Manner as the Certificate of Incorporation directed to be given by the Principal Act.

Register of Shareholders (Part I. of Principal Act).

25

Power of Limited Company to convert paid-up Shares into Stock.

V. Any Limited Company may by special Resolution convert into Stock any Shares which have been fully paid up ; and upon such Conversion being made all the Provisions of the Principal Act or of this Act which require or imply that the Capital of the Company is divided into Shares of any fixed Amount, and distinguished by Numbers, and all the Provisions of the Principal Act that require the Company to keep a Register of Shareholders, or to make an annual List of Shareholders in the Register, shall cease as to so much of the Capital as has been so converted into Stock.

Company to give Notice of Conversion of Capital into Stock.

VI. Any Company that has converted any Portion of its Capital into Stock shall give Notice of such Conversion, specifying the Shares so converted, to the Registrar of Joint Stock Companies, within Fifteen Days from the Date of the last of the Meetings at which the Resolution was passed by which such Conversion was authorized, and the Registrar shall forthwith record the Fact of such Conversion : If such Notice is not given within the Period aforesaid,

said, the Company shall incur a Penalty not exceeding Five Pounds for every Day during which such Neglect to give Notice continues.

VII. Any Company that has converted any Portion of its Capital into Stock shall keep at the registered Office of the Company a Register of the Names and Addresses of the Persons for the Time being entitled to such Stock, and such Register shall be open to Inspection in the Manner and subject to the Penalties in and subject to which the Register of Shareholders is by the Principal Act directed to be kept open.

Register of
Holders of
Stock.

VIII. If the Name of any Person is without sufficient Cause entered or omitted to be entered in the Register of Stock of any Company, such Person, or any Holder of Stock in the Company, may apply to have the Register rectified in manner directed by the Twenty-fifth Section of the Principal Act.

Remedy for
improper
Entry or
Omission of
Entry in
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Stock.

IX. The Court may in any Proceeding under the Twenty-fifth Section of the Principal Act decide on any Question relating to the Title of any Person who is a Party to such Proceeding, to have his Name entered in or erased from the Register, whether such Question arises between Two or more Holders or alleged Holders of Shares or Stock, or between any Holders or alleged Holders of Shares or Stock and the Company, and generally the Court may in any such Proceeding decide any Question that it may be necessary or expedient to decide for the Rectification of the Register.

Power of
Court under
25th Section
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X. If any Company makes default in forwarding Copies of the Memorandum of Association and Articles of Association to Shareholders, in pursuance of Section Twenty-seven of the Principal Act, the Company so making default shall for each Offence incur a Penalty not exceeding One Pound.

Penalty on
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ing Copies
of Memoran-
dum and
Articles of
Association
to Share-
holders.

Winding up by Court (Part III. of Principal Act).

XI. Where an Order has been made for winding up a Company under the Third Part of the Principal Act, if upon the Application of the official Liquidator it appears to the Court having Jurisdiction in the Matter of such Winding-up that there is probable Cause for believing that any Contributory to such Company is about to quit the United Kingdom, or otherwise abscond, or to remove or conceal any of his Goods or Chattels, for the Purpose of evading Payment of Calls, or for avoiding Examination in respect of the Affairs of the Company, the Court may, by Warrant directed to such Person or Persons as it thinks fit, cause such Contributory to be arrested, and his Books, Papers, Monies, Securities for Monies, Goods and Chat-

Power to
arrest Share-
holder about
to abscond,
or to remove
or conceal
any of his
Property.
*See Bank-
ruptcy Act,
Sect. 99.*

tels, to be seized, and him and them to be safely kept until such Time as the Court may order.

Arrested
Shareholder
may apply
to Court
for his
Discharge.

XII. Any Contributory who has been arrested or whose Goods or Chattels have been seized under any such Warrant as aforesaid may, at any Time after such Arrest or Seizure, apply to the Court that issued the Warrant to discharge him from Custody, or to direct the Delivery to him of any Books, Papers, Monies, Securities for Money, Goods or Chattels, that may have been seized; and the Court shall take such Application into consideration, and shall make such Order thereon as it thinks just. 10

Calls under
Third Part
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Act to be
Specialty
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XIII. All Calls that are authorized by the Third Part of the Principal Act to be made on a Contributory, in the event of the Company to which he belongs being wound up by the Court or voluntarily, shall be deemed in England and Ireland to be Specialty Debts due from such Contributory to the Company. 15

Official Liquidators (Part III. of Principal Act).

Proviso as to
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Court of
Bankruptcy.

XIV. In Cases within the Jurisdiction of the Court of Chancery in England or Ireland, or of the Court of Session in Scotland, or of the Court of the Stannaries, the Court having Jurisdiction shall, in the Appointment of an Official Liquidator or Official Liquidators, consult the Interests of both the Creditors and Contributories, and hear such Creditors or Contributories as it thinks fit to hear with respect to such Appointment. It may, unless both the Creditors and Contributories concur in the Appointment of a single Liquidator, appoint One or more Liquidator or Liquidators to act on behalf of each of such Parties. It may declare that, in case of Difference, any Act may be done by a Majority of Liquidators; or it may require the Liquidators in all Cases of Difference to apply to the Court. It may do anything hereby authorized to be done, either upon the First Appointment of a Liquidator or at any subsequent Stage of the Winding-up; but, notwithstanding anything herein contained, it shall not be obligatory on the Court to appoint more than One Liquidator, if in its Discretion it thinks that such Appointment will be most conducive to Justice. 20 25 30

Provision
as to Ap-
pointment of
Liquidators
by Court of
Bankruptcy.

XV. In Cases within the Jurisdiction of any Court of Bankruptcy the Official Assignee shall, where a Liquidator is appointed by the Creditors, be considered as appointed as the Representative of the Contributories, and where a Liquidator is appointed by the Contributories be considered as appointed as the Representative of the Creditors. 35 40

XVI. The

XVI. The Power of compromising Debts and Claims given by the Principal Act to the Liquidators therein mentioned shall be deemed to extend to the Compromise of any Calls or Debts due from any Contributory or alleged Contributory to the Company on Receipt
 5 of a smaller Sum in lieu of a greater, or upon such Terms as may be agreed upon, with Power to the Liquidators to take any Security for any Calls or Debts so due, and to give effectual Discharges on Completion of such Compromise, subject to this Proviso, that no such Compromise shall be made by any Official Liquidator except with
 10 the Sanction of the Court, and after giving such Notice to Creditors, and subject to such Conditions as to obtaining the Consent of Creditors or any Portion of them, as the Court may direct, and that no such Compromise shall be made by the Liquidators appointed on the voluntary Winding-up of a Company, except with the Sanction of
 15 a special Resolution.

Extension of
Power to
compromise
Debts.

XVII. Where a Company is being wound up voluntarily, and the whole or a Portion of its Property is about to be sold to another Company, registered under this Act, the Liquidators of the first-mentioned Company may, with the Sanction of a special Resolution
 20 of the Company by whom they were appointed, receive, in Compensation or part Compensation for such Sale, Shares in such other Company, for the Purpose of Distribution amongst the Shareholders of the Company being wound up, or may enter into any other Arrangement whereby the Shareholders of the Company being wound
 25 up may, in lieu of receiving Cash or Shares, or in addition thereto, participate in the Profits of or receive any other Benefit from the purchasing Company; and any Sale made or Arrangement entered into by the Liquidators in pursuance of this Section shall be binding on the Shareholders of the Company being wound up,
 30 subject to this Proviso, that if any Shareholder in the Company being wound up who has not voted in favour of the special Resolution passed by his Company at either of the Meetings held for passing the same expresses his Dissent from any such special Resolution, in Writing addressed to the Liquidators or One of them,
 35 and left at the registered Office of the Company, not later than Seven Days after the Date of the last of the Meetings at which such special Resolution was passed, such dissentient Shareholder may require the Liquidators to do such One of the following Things as they may prefer; that is to say, either to abstain from carry-
 40 ing such Resolution into effect, or to purchase the Shares held by the dissentient Shareholders or Shareholder, at such Price as may be agreed upon or settled by Arbitration, such Purchase Money to be paid before the Company is dissolved, and to be raised by the Liquidators in such Manner as may be determined by special Resolution.

Power for
Liquidators
to accept
Shares as a
Consideration
for Sale
of Property
of Company.

Power of
Liquidators
to call Gene-
ral Meeting.

XVIII. In the Case of a Company being wound up voluntarily, the Liquidators may, from Time to Time, during the Continuance of such Winding-up, summon General Meetings of the Company for the Purpose of obtaining the Sanction of the Company by a special Resolution, or for such other Purposes as they think fit.

5

Power of
Court to
adopt Pro-
ceedings of
voluntary
Winding-up.

XIX. Where a Company is in course of being wound up voluntarily, and Proceedings are taken for the Purpose of having the same wound up by the Court, the Court may, if it thinks fit, notwithstanding that it makes an Order directing the Company to be wound up by the Court, provide in such Order or in any other Order for the Adoption of all or any of the Proceedings taken in the Course of the voluntary Winding-up: It may also, instead of making an Order that the Company should be altogether wound up by the Court, direct that the voluntary Winding-up should continue, but subject to such Supervision of the Court, and with such Liberty for Creditors, Contri- butories, or others to apply to the Court, and generally upon such Terms and subject to such Conditions as the Court thinks just.

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15

CLAUSE A.
Penalty on
Liquidators
not reporting
Dissolution
of Company
to Registrar.

XX. If the Liquidators make default in reporting to the Registrar, in the Case of a Company being wound up by the Court, the Decree declaring the Company to be dissolved, and in the Case of a Company being wound up voluntarily, the Resolution declaring the Company to have been fairly wound up, they shall be liable to a Penalty not exceeding Five Pounds for every Day during which they are so in default, and moreover shall not, while so in default, be entitled to recover any Compensation for their Services as Liquidators.

25

CLAUSE B.
Remedy for
Liquidators
having in
their Hands
undistrib-
uted Assets
of the Com-
pany.

XXI. If at the Expiration of Twelve Months from the Date of the Dissolution of any Company that has been wound up there remain in the Hands of the Liquidators any Money, Shares, or other Property which they have been unable, by reason of the Absence or Death of any Persons entitled thereto, or for any other Reason, to distribute amongst the Parties so entitled, the Liquidators shall be deemed to be Trustees of such Monies, Shares, or other Property, within the Meaning of an Act passed in the Eleventh Year of the Reign of Her present Majesty, Chapter Ninety-six, and intituled "An Act for better securing Trust Funds, and for the Relief of Trustees," and of any Act amending the same, and may pay or transfer such Monies, Shares, or other Property into the Court of Chancery accordingly.

35

Repeal (Part V. of Principal Act).

Repeal of
Sect. 107. of
the Princi-
pal Act.

XXII. The 107th Section of the Principal Act shall be repealed, and in lieu thereof be it enacted, That,—

40

(1.) An Act passed in the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and ten, and intituled "An Act

" Act

“ Act for the Registration, Incorporation, and Regulation
“ of Joint Stock Companies ;” and

(2.) An Act passed in the Eleventh Year of the Reign of Her
present Majesty, Chapter Seventy-eight, intituled “ An Act

5 “ to amend an Act for the Registration, Incorporation,
“ and Regulation of Joint Stock Companies ;” and

(3.) The Limited Liability Act, 1855,

shall be deemed to have been and still to remain unrepealed as to
any Company completely registered which has not obtained Regis-
10 tration under the Principal Act, until such Time as such Company
obtains Registration under the Joint Stock Companies Acts, 1856,
1857, but from and after such Time, and not before, shall be repealed
as to such last-mentioned Company ; and, subject as aforesaid, all the
Acts mentioned in this Section shall be removed.

15 *Temporary Provisions (Part V. of Principal Act).*

XXIII. Where any Company completely registered under the said
Act passed in the Eighth Year of the Reign of Her present Majesty,
Chapter One hundred and ten, has obtained Registration under the
Principal Act after the Third of November One thousand eight
20 hundred and fifty-six, but before the passing of this Act, such Regis-
tration shall be as effectual to all Intents as if it had taken place on
or before the said Third Day of November One thousand eight
hundred and fifty-six.

Provisions
as to Com-
panies com-
pletely
registered
under
7 & 8 Vict.
c. 110.

XXIV. The One hundred and tenth Section of the Principal Act
25 shall be repealed.

Repeal of
Section 110.
of Principal
Act.

XXV. Every Company completely registered under the said
Act of the Eighth Year of the Reign of Her present Majesty,
Chapter One hundred and ten, including any Company that has
obtained a Certificate of Complete Registration under “ The Limited
30 Liability Act, 1855,” but excluding any Company formed for the
Purpose of Insurance, shall, if it has not already registered under the
Principal Act, register under the Joint Stock Companies Acts, 1856,
1857, on or before the Second Day of November One thousand
eight hundred and fifty-seven, or incur such Penalty as is herein-after
35 mentioned.

Time within
which com-
pletely
registered
Companies
are required
to register.

XXVI. If any Company hereby required to register under the
Joint Stock Companies Acts makes default in registering on or
before the said Second Day of November One thousand eight
hundred and fifty-seven, then, from and after such Day until the Day
40 on which such Company is registered under the Joint Stock Com-

Penalty on
Company not
registering.

[48.]

B]

panies

panies Acts, 1856, 1857, the following Consequences shall ensue; (that is to say,)

- (1.) The Company shall be incapable of suing either at Law or in Equity, but shall not be incapable of being made a Defendant to a Suit either at Law or in Equity : 5
- (2.) No Dividend shall be payable :
- (3.) Each Director or Manager of the Company shall for each Day during which the Company is in default incur a Penalty of Five Pounds, and such Penalty may be recovered by any Person, and be applied by him to his own Use : 10

Nevertheless such Default shall not render the Company so being in default illegal, nor subject it to any Penalty or Disability other than as specified in this Section.

Power for
Companies
to register
at their
Discretion.

XXVII. Every Company consisting of Seven or more Shareholders, having a Capital of fixed Amount, divided into Shares, also 15 of fixed Amount, duly constituted by Law prior to the passing of this Act, and not being a Company hereby required to be registered, may at any Time hereafter, upon Compliance with the Provisions of the Joint Stock Companies Acts, 1856, 1857, register itself as a Company under such Acts, with or without Limited Liability; subject 20 to this Proviso, that no Company shall be registered as a Limited Company unless either the Liability of the Shareholders is already limited to the Amount of the unpaid Calls on their Shares, or an Assent to its being so registered has been given by Three Fourths in Number and Value of such of its Shareholders as may have been 25 present, personally or by Proxy, in Cases where Proxies are allowed by the Regulations of the Company at some General Meeting summoned for that Purpose.

Power for
existing
Company to
register
Amount of
Stock in-
stead of
Shares.

XXVIII. Where an existing Company, authorized to register under the Joint Stock Companies Acts, 1856, 1857, has had the whole 30 or any Portion of its Capital converted into Stock, such Company shall, as to the Capital so converted, instead of delivering to the Registrar the Statement of Capital and Shares required by the Principal Act, deliver to the Registrar a Statement of the Amount of Stock belonging to the Company, and the Names of the Persons who were Holders of 35 such Stock, on some Day to be named in the Statement, not more than Six Days before the Day of Registration.

Provision as
to List of
Shareholders
required by
Section 111.
of Principal
Act.

XXIX. The List of Shareholders required by Section One hundred and eleven of the Principal Act to be delivered to the Registrar need not be made up to the Day of the Registration of the 40 Company, but may be made up to any Day not more than Six Days before such Day of Registration.

XXX. No

XXX. No Fees shall be charged in respect of the Registration under the Joint Stock Companies Acts, 1856, 1857, of any Company existing at the Date of this Act, and required or authorized to be registered by the said Joint Stock Companies Acts or either of them, in Cases where such Company is not registered as a Limited Company, or where previously to its being registered as a Limited Company, the Liability of the Shareholders was limited by some other Act of Parliament or by Letters Patent.

Exemption of certain Companies from Payment of Fees.

XXXI. The Hundred and thirteenth Section of the Principal Act shall be repealed; and in lieu thereof be it enacted as follows: Upon Compliance with the Requisitions of the Joint Stock Companies Acts, 1856, 1857, respecting Registration, the Registrar of Joint Stock Companies shall certify under his Hand that the Company applying for Registration is incorporated as a Company under the Joint Stock Companies Act, 1856, 1857, and in the Case of a Limited Company that it is limited, and thereupon such Company shall be incorporated accordingly; and all Provisions contained in any Act of Parliament, Deed of Settlement, Letters Patent, or other Instrument constituting or regulating any Company that has been registered under the Provisions of the said One hundred and thirteenth Section, or any Company that may hereafter be registered under this Section, shall be deemed to be Regulations of the Company, in the same Manner as if they were contained in a registered Memorandum of Association and Articles of Association; and all the Provisions of the Joint Stock Companies Acts, 1856, 1857, shall apply to such Company, in the same Manner in all respects as if it had been originally incorporated under such Acts, subject to the Reservation in favour of Creditors contained in the Principal Act, and to the following Provisoos:

Grant of Certificate of Registration, and Effect thereof.

(1.) That Table B. shall not, unless adopted by special Resolution, apply to any such Company as is mentioned in this Section:

(2.) That no Company shall have Power to alter any Provision contained in any Act of Parliament relating to the Company:

(3.) That no Company shall have Power, without the Sanction of the Board of Trade, to alter any Provision contained in any Letters Patent relating to the Company:

(4.) That nothing herein contained shall authorize any Company to alter any such Provisions contained in any Deed of Settlement, Letters Patent, or other Instrument constituting or regulating the Company, as would, if such Company had originally been incorporated under the Joint Stock Companies

panies Acts, 1856, 1857, have been contained in the Memorandum of Association, and are not authorized to be altered by such last-mentioned Acts :

But nothing herein contained shall derogate from any Power of altering its Constitution or Regulations which may be vested in any existing Company by virtue of any such Act of Parliament, Deed of Settlement, Letters Patent, or other Instrument constituting or regulating the Company : Moreover the Repeal of the said One hundred and thirteenth Section of the Principal Act shall not affect any Right acquired under the Section so repealed.

10

Joint Stock Companies Act Amendment.

A

B I L L

[AS AMENDED IN COMMITTEE]

To amend the Joint Stock Companies
Act, 1856.

(Prepared and brought in by
Mr. Fitz Roy, Mr. Lowe, and Mr. Wilson.)

*Ordered, by The House of Commons, to be Printed,
8 June 1857.*

[Bill 48.]

Under 1 oz.

7 August 1857. 20 & 21 VICT.



A

B I L L

TO

Amend "The Joint Stock Companies Act, 1856."

WHEREAS it is expedient that a further Amendment should be made in "The Joint Stock Companies Act, 1856:" Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

- I. The Joint Stock Companies Acts, 1856, 1857, shall not nor shall either of them be deemed to have repealed, as respects Companies already formed for the Purpose of carrying on the Business of Insurance, the Act passed in the Eighth Year of Her present Majesty, Chapter One hundred and ten, or any other Act amending the same or relating to such Companies; and as respects Companies hereafter to be formed for the Purpose of carrying on the Business of Insurance, the Second Section of the said Joint Stock Companies Act, 1856, shall be repealed.

Preamble.

Continuation of 7 & 8 Vict. c. 110. for certain Purposes, and Repeal of Sect. 2. of 20 Vict. c. 47.

[Bill 179.]

Joint Stock Companies Act (1856) Amendment.

A

B I L L

To amend "The Joint Stock Companies
Act, 1856."

(Prepared and brought in by
The Earl of Malgrave, Mr. Wilson, the Chancellor
of the Exchequer, and Mr. Lowe.)

*Ordered, by The House of Commons, to be Printed,
7 August 1857.*

[Bill 179.]

Under 1 oz.

7 August 1857. 20 & 21 VICT.



A

B I L L

FOR

Amending the Law with respect to Judgments.

FOR the Amendment of the Law with respect to Judgments, Preamble.
be it enacted by the Queen's most Excellent Majesty, by and
with the Advice and Consent of the Lords Spiritual and Tem-
poral, and Commons, in this present Parliament assembled, and by the
5 Authority of the same, as follows :

I. A Judgment already or hereafter registered by the Senior Judgments
Master of the Court of Common Pleas at Westminster may from may be
Time to Time be satisfied either with respect to Part only of satisfied in
the Amount thereby recovered or to be levied thereunder, or with part.
10 respect to Part only of the Property which it from Time to Time
affects, or with respect to Part only both of the Amount and of the
Property.

II. In every such Case Satisfaction pro tanto of the Judgment Satisfaction
may be entered up accordingly. pro tanto
may be en-
tered up.

15 III. So far as the Circumstances of the respective Case admit,
the entering up of Satisfaction pro tanto shall be made by such Entry of
Person, and in like Manner, and shall have like Incidents and Con- Satisfaction
sequences, as if it were the entering up of complete Satisfaction of pro tanto.
the Judgment.

[Bill 180.]

IV. Subject

Judgment
good for
Residue.

IV. Subject to the Satisfaction pro tanto, the Judgment shall remain in full Force with respect to the Residue of the Amount and of the Property.

Short Title.

V. This Act may for all Purposes be cited as "Judgments Act, 1857."

Judgments.

A

BILL

For amending the Law with respect to
Judgments.

(Prepared and brought in by
Mr. Seymour Fitzgerald, Mr. Hardy, and
Mr. Vance.)

*Ordered, by The House of Commons, to be Printed,
7 August 1857.*

[Bill 180.]

Under 1 oz.

17 August 1857. 20 & 21 Vict.



A

B I L L

[AS AMENDED IN COMMITTEE]

FOR

Amending the Law with respect to Judgments.

FOR the Amendment of the Law with respect to Judgments, Preamble.
be it enacted by the Queen's most Excellent Majesty, by and
with the Advice and Consent of the Lords Spiritual and Tem-
poral, and Commons, in this present Parliament assembled, and by the
5 Authority of the same, as follows :

I. A Judgment already or hereafter registered by the Senior Judgments
Master of the Court of Common Pleas at Westminster may from may be
Time to Time be satisfied either with respect to Part only of satisfied in
the Amount thereby recovered or to be levied thereunder, or with part.
10 respect to Part only of the Property which it from Time to Time
affects, or with respect to Part only both of the Amount and of the
Property.

II. In every such Case Satisfaction pro tanto of the Judgment Satisfaction
may be entered up and registered accordingly. pro tanto
may be en-
tered up.

15 III. So far as the Circumstances of the respective Case admit, Entry of
the entering up and registering of Satisfaction pro tanto shall be Satisfaction
made by such Officers, and in like Manner, and shall have like pro tanto.
Incidents and Consequences, as if it were the entering up of com-
plete Satisfaction of the Judgment.

[Bill 196.]

IV. Subject

Judgment
good for
Residue.

IV. Subject to the Satisfaction pro tanto, the Judgment shall remain in full Force with respect to the Residue of the Amount and of the Property.

Short Title.

V. This Act may for all Purposes be cited as "Judgments Act, 1857."

Judgments.

A

B I L L

[AS AMENDED IN COMMITTEE]

For amending the Law with respect to
Judgments.

(Prepared and brought in by
Mr. Seymour Fitzgerald, Mr. Hardy, and
Mr. Vance.)

*Ordered, by The House of Commons, to be Printed,
17 August 1867.*

[Bill 196.]

Under 1 oz.

Judgments Execution, &c. Bill.

ARRANGEMENT OF CLAUSES.

Where Judgment has been obtained in the Courts at Westminster, a Copy thereof registered in Ireland, and vice versâ, shall have the Effect of a Judgment of the Court in which it is so registered; Sect. 1.

Where Judgment has been obtained in the Courts at Westminster or at Dublin, a Copy thereof registered in Scotland shall have the Effect of a Decreet of the Court of Session; 2.

No Copy of a Judgment to issue without Rule of Court or Judge's Order or Certificate; 3.

Where Decreet has been obtained in the Court of Session, an Extract thereof registered in England or Ireland shall have the Effect of a Judgment of the Court in which it is so registered; 4.

No Extract of Decreet to issue without Warrant of Court or Lord Ordinary; 5.

Rule or Warrant of Court to be produced to Registering Officer; 6.

Courts at Westminster and Dublin to have same Control over registered Copy or Extract as over Warrants of Attorney to confess Judgment; 7.

In case of Bankruptcy or Insolvency, registered Copy or Extract not to be of greater Effect than Warrant of Attorney to confess Judgment; 8.

Copy or Extract to be filed, and Satisfaction or Discharge may be endorsed thereon, and Certificate thereof to be Evidence; 9.

Registers may be searched, and for each Search a Fee of Sixpence; 10.

Security for Costs, where Plaintiff resides in a different Part of the United Kingdom, abolished; 11.

Costs not to be allowed in Actions on Judgments, unless by Order of Court; 12.

Punishment of Forgery of Signature of Officer of Court; 13.

Judges to make Rules for Execution of this Act; 14.

Judges of Common Pleas at Westminster and Dublin and of Court of Session to issue altered Writs of Execution, if necessary; 15.

Short Title of Act; 16.

SCHEDULE.



A

B I L L

TO

Render Judgments or Decrees obtained in certain Courts in England, Scotland, and Ireland respectively effectual in any other Part of the United Kingdom.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

- 5 I. Where Judgment shall have been obtained or entered up or shall hereafter be obtained or entered up in any of the Courts of Queen's Bench, Common Pleas, or Exchequer at Westminster or Dublin respectively, for any Debt, Damages, or Costs, on Production to the Master of the Court of Common Pleas at Dublin where such Judgment shall have been obtained or entered up in any of the said Courts in England, or to the Senior Master of the Court of Common Pleas at Westminster where such Judgment shall have been obtained or entered up in any of the said Courts in Ireland, of a Copy of such Judgment, signed by the proper Officer of the Court where such Judgment has been obtained or entered up, such Copy shall be registered by such Master in a Register to be kept in the Court of Common Pleas at Dublin and at Westminster respectively for that Purpose, and to be called in the Court of Common Pleas at Dublin "The Register for English Judgments," and to be called in the Court of Com-
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- Where Judgment has been obtained in the Courts at Westminster, a Copy thereof registered in Ireland, and vice versâ, shall have the Effect of a Judgment of the Court in which it is so registered.
- [Bill 4.] A mon

mon Pleas at Westminster "The Register for Irish Judgments," and shall from the Date of such Registration be of the same Force, Charge, and Effect, and all Proceedings shall and may be had and taken on such Copy, or by reason or in consequence thereof, as if the Judgment of which it is a Copy had been a Judgment originally obtained or entered up on the Date of such Registration as aforesaid, in the Court in which it is so registered, and all the reasonable Costs and Charges attendant upon the obtaining and registering such Copy shall be recovered in like Manner as if the same were Part of the original Judgment: Provided always, that in the Case of any Judgment obtained or entered up before the *passing of this Act* no Copy thereof shall be registered as aforesaid unless Application shall have been first made to and Leave obtained from the Court or a Judge of the Court in which it is sought so to register such Copy, and in the Case of any Judgment obtained or entered up after the *passing of this Act*, no Copy thereof shall be registered as aforesaid more than *Twelve* Months after the Date of such Judgment, unless Application shall have been first made to and Leave obtained from the Court or a Judge of the Court in which it is sought so to register such Copy.

Where Judgment has been obtained in the Courts at Westminster or at Dublin, a Copy thereof registered in Scotland shall have the Effect of a Decree of the Court of Session.

II. Where Judgment shall have been obtained or entered up or shall hereafter be obtained or entered up in any of the Courts of Queen's Bench, Common Pleas, or Exchequer at Westminster or Dublin respectively, for any Debt, Damages, or Costs, on Production at the Office kept in Edinburgh for the Registration of Deeds, Bonds, Protests, and other Writs registered in the Books of Council and Session of a Copy of such Judgment, signed by the proper Officer of the Court where such Judgment has been obtained, such Copy shall be registered in a Book to be kept for that Purpose, and to be called "The Register for English and Irish Judgments," in like Manner as a Bond executed according to the Law of Scotland, with a Clause of Registration for Execution therein contained; and every Copy so registered shall, from the Date of such Registration, be of the same Force, Charge, and Effect as a Decree of the Court of Session, and all Proceedings shall and may be had and taken on such Copy, or by reason or in consequence thereof, as if the Judgment of which it is a Copy had been a Decree originally pronounced in the Court of Session on the Date of such Registration as aforesaid, and all the reasonable Costs, Charges, and Expenses attendant upon the obtaining and registering such Copy shall be recovered in like Manner as if the same were Part of the original Judgment: Provided always, that in the Case of any Judgment obtained or entered up before the *passing of this Act* no Copy thereof shall be registered as aforesaid unless Application shall have been first made

made to and Leave obtained from one or other Division of the Court of Session or from the Lord Ordinary on the Bills ; and in the Case of any Judgment obtained or entered up after the *passing of this Act*, no Copy thereof shall be registered as aforesaid more than *Twelve* 5 Months after the Date of such Judgment, unless Application shall have been first made to and Leave obtained from One or other Divisions of the Court of Session, or the Lord Ordinary on the Bills.

III. No Copy of any Judgment as aforesaid shall be issued by any Officer of the said Courts in England or Ireland without a Rule 10 of Court or Judge's Order, or unless the Judge who tries the Cause in which such Judgment is obtained shall certify that such Copy ought to issue.

No Copy of a Judgment to issue without Rule of Court or Judge's Order or Certificate.

IV. On Production to the Senior Master of the Court of Common Pleas at Westminster, or to the Master of the Court of Common 15 Pleas at Dublin, of an Extract of any Decreet of the Court of Session in Scotland which shall have been obtained or shall hereafter be obtained for the Payment of any Debt, Damages, or Expenses, signed by the Extractor of the Court of Session, or other Officer duly authorized to make and subscribe Extracts, or on Production of an 20 Extract of any Decreet of Registration in the Books of Council and Session, signed by the Principal Keeper of the General Register of Deeds, Bonds, Protests, and other Writs registered for Execution in the Books of Council and Session, which shall have been obtained or shall hereafter be obtained for the Payment of any Debt, Damages, or Ex- 25 penses, signed by the Sheriff Clerk, or other Officer duly authorized to make and subscribe Extracts, such Extract shall be registered by such Master in a Register to be kept in the Court of Common Pleas at Westminster and Dublin respectively for that Purpose, and to be called " The Register for Scotch Judgments," and such Extract when so registered 30 shall from the Date of such Registration be of the same Force, Charge, and Effect as a Judgment obtained or entered up in the Court in which it is so registered, and all Proceedings shall and may be had and taken on such Extract or by reason or in consequence thereof as if the Decreet of which it is an Extract had been a Judgment originally obtained or 35 entered up on the Date of such Registration as aforesaid in the Court in which it is so registered, and all the reasonable Costs, Charges, and Expenses attendant upon the obtaining and registering such Extract shall be recovered in like Manner as if the same were Part of the Decreet of which it is an Extract: Provided always, that in the Case 40 of any Decreet obtained before the *passing of this Act* no Extract thereof shall be registered as aforesaid unless Application shall have

Where Decreet has been obtained in the Court of Session, an Extract thereof registered in England or Ireland shall have the Effect of a Judgment of the Court in which it is so registered.

been first made to and Leave obtained from the Court, or a Judge of the Court in which it is sought so to register such Extract; and in the Case of any Decreet obtained after the *passing of this Act*, no Extract thereof shall be registered as aforesaid more than *Twelve* Months after the Date of such Decreet, unless Application shall have been first made to and Leave obtained from the Court or a Judge of the Court in which it is sought so to register such Extract; provided that where a Note of Suspension of any such Decreet shall have been passed or a Sist of Execution shall have been granted thereon by the said Court of Session or any Judge thereof, on the Production of a Certificate under the Hand of the Clerk to the Bill Chamber of the Court of Session of the passing of such Note or the granting of such Sist, to a Judge of the Court in which such Extract of such Decreet has been registered, Execution on such registered Extract shall be stayed until a Certificate be produced under the Hand of the said Clerk that such Sist has been recalled or has expired, or where the Note of Suspension has been passed, until there be produced an Extract, under the Hand of the Extractor of the Court of Session or other Officer duly authorized to make and subscribe Extracts, of a Decreet of the said Court repelling the Reasons of Suspension.

No Extract of Decreet to issue without Warrant of Court or Lord Ordinary.

V. No Extract of any Decreet as aforesaid shall be granted for the Purposes of this Act by any of the said Officers in Scotland, except under a Warrant of one or other of the Divisions of the Court of Session or of the Lord Ordinary on the Bills, to be obtained on summary Application: Provided that no such Warrant, shall be granted for extracting any Decreet in Absence proceeding on an edictal Citation of the Defender, unless satisfactory Evidence shall be produced to the Court or the Lord Ordinary that the Defender has received personal Notice of the Action prior to such Decreet being pronounced.

Rule or Warrant of Court to be produced to Registering Officer.

VI. No Copy of any Judgment and no Extract of any Decreet shall be registered under the Provisions of this Act, unless there be produced with it to the Registering Officer a certified Copy of the Rule of Court, or Judge's Order or Certificate, allowing such Copy to issue, or of the Interlocutor granting Warrant to extract the Decreet, for the Purposes of this Act.

Courts at Westminster and Dublin to have same Control over registered Copy or Extract as over Warrants of Attorney to confess Judgment.

VII. The Courts of Common Pleas at Westminster and at Dublin shall have and exercise the same Control and Jurisdiction over any Copy of a Judgment or Extract of a Decreet registered under this Act in such Courts respectively as they now have and exercise over any Judgment entered up by Warrant of Attorney to confess Judgment.

VIII. No

VIII. No Copy of any Judgment or Extract of any Decreet registered under this Act in the Courts of Common Pleas at Westminster and at Dublin shall, in the event of the Bankruptcy or Insolvency of the Person against whom such Copy or Extract
5 has been registered, be of any greater Force or Effect than a Judgment entered up pursuant to a Warrant of Attorney to confess Judgment.

In case of Bankruptcy or Insolvency, registered Copy or Extract not to be of greater Effect than Warrant of Attorney to confess Judgment.

IX. Every Copy of a Judgment or Extract of a Decreet registered under this Act shall be filed by the Registering Officer, and
10 on the Amount due on such Judgment or Decreet being recovered Satisfaction or a Discharge may be entered by Endorsement on such Copy or Extract, and a Memorandum of such Satisfaction or Discharge, and of the Date thereof, shall be made in the Book in which such Copy or Extract has been registered, and a Certificate
15 of such Satisfaction or Discharge so endorsed on any Memorial or Extract as aforesaid, signed by the Registering Officer, shall be Evidence of such Satisfaction or Discharge.

Copy or Extract to be filed, and Satisfaction or Discharge may be endorsed thereon, and Certificate thereof to be Evidence.

X. All Registers for Judgments and DECREETS kept under this Act may be searched and viewed by all Persons at all reasonable Times, paying to the Officer for every Search the Sum of *Sixpence*, and no more.
20

Registers may be searched.

XI. It shall not be necessary for any Plaintiff in any of the aforesaid Courts in England, resident in Ireland, or Scotland, or any Plaintiff in any of the aforesaid Courts in Ireland, resident in England or Scotland, to find Security for Costs in respect of such Residence,
25 unless, on special Grounds, a Judge or the Court shall otherwise order, nor shall it be necessary for any Party to any Suit in any of the aforesaid Courts in Scotland, resident in England or Ireland, to sue by or sist a Mandatory, or otherwise to find Security for Expenses in respect of such Residence unless on special Grounds, the Court shall
30 otherwise order.

Security for Costs, where Plaintiff resides in a different Part of the Kingdom, abolished.

XII. In any Action brought in any Court in England, Scotland, or Ireland, on any Judgment or Decreet which might be registered under this Act in the Country in which such Action is brought, the Party bringing such Action shall not recover or be entitled to any Costs
35 or Expenses of Suit unless the Court in which such Action shall be brought, or some Judge of the same Court, shall otherwise order.

Costs not to be allowed in Actions on Judgments unless by Order of Court.

XIII. If any Person shall forge the Signature of any Officer of any Court in England, Scotland, or Ireland to any Copy of a Judgment, or to any Extract of a Decreet, or to any other Document
40 required under this Act, or shall tender for Registration, or use or utter, any such Copy, Extract, or Document, with a false or

Punishment of Forgery of Signature of Officer of Court.

counterfeit Signature thereto, knowing the same to be forged, he shall be guilty of Felony, and in Scotland of a High Crime and Offence, and shall upon Conviction be liable to Transportation for *Fourteen* Years, or to Penal Servitude for any Term not exceeding *Ten* Years and not less than *Four* Years, or to Imprisonment 5 for any Term not exceeding *Three* Years, with or without Hard Labour; and every Person who shall be charged with committing any such Felony or Crime and Offence may be dealt with, indicted, tried, and, if convicted, sentenced, and his Offence may be laid and charged to have been committed in the Country or Place in which he 10 shall be apprehended or be in Custody.

Judges to
make Rules
for Execu-
tion of this
Act.

XIV. It shall be lawful for the Judges of the Court of Queen's Bench, Common Pleas, and Exchequer at Westminster and Dublin respectively, or any *Eight* or more of them respectively, of whom the Chiefs of the said Courts respectively shall be Three, and they are 15 hereby required, from Time to Time to make all such General Rules and Orders to regulate the Practice to be observed in the Execution of this Act or in any Matter relating thereto, including the Scale of Fees to be charged, in the Courts of Common Law in England and Ireland respectively, as in their Judgments shall be necessary and 20 proper; and it shall be lawful for the Court of Session in Scotland, and the said Court is hereby required, from Time to Time to make such Acts of Sederunt to regulate the Practice to be observed in the Execution of this Act or in any Matter relating thereto, including the Scale of Fees to be charged, in Scotland, as in its Judgment shall be 25 necessary and proper: Provided always, that such Rules, Orders, and Acts of Sederunt respectively shall be laid before both Houses of Parliament within *One Month* from the making thereof, if Parliament be then sitting, or if Parliament be not then sitting, within *One Month* from the Commencement of the then next Session of Parliament. 30

Judges of
Common
Pleas at
Westminster
and Dublin,
and of Court
of Session,
to issue
altered Writs
of Execution
if necessary.

XV. Such altered Writs of Execution may be issued in the said Courts of Common Pleas at Westminster and Dublin, and in the Court of Session in Scotland, respectively as may by the Judges of the said Courts respectively be deemed necessary or expedient for giving Effect to Judgments and Decrees registered under the Pro- 35 visions of this Act, and in such Forms as the Judges of such Courts respectively shall from Time to Time think fit to order; and any existing Writ of Execution, the Form of which shall be in any Manner altered in pursuance of this Act, shall nevertheless be of the same force and virtue as if no Alteration had been made thereon. 40

Short Title
of Act.

XVI. In citing this Act in any Instrument, Document, or Proceeding it shall be sufficient to use the Expression "The Judgments Execution Act, 1857."

Judgments Execution, &c.

A

B I L L

To render Judgments or Decrets obtained in certain Courts in England, Scotland, and Ireland respectively effectual in any other Part of the United Kingdom.

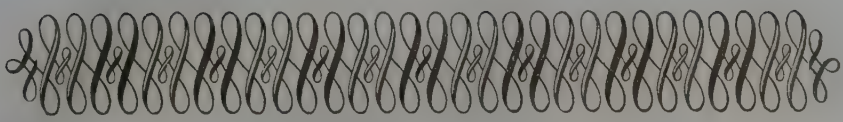
(*Prepared and brought in by
Mr. Craufurd and Mr. Dunlop.*)

*Ordered, by The House of Commons, to be Printed,
8 May 1857.*

[Bill 4.]

Under 2 oz.

13 August 1857. 20 & 21 VICT.



A

B I L L

INTITULED

An Act to confirm an Order in Council concerning the Exercise of Jurisdiction in Matters arising within the Kingdom of Siam.

WHEREAS by an Act passed in the Session holden in the Preamble.
Sixth and Seventh Years of Her Majesty, Chapter Ninety-
four, “ to remove Doubts as to the Exercise of Power and 6 & 7 Vict.
“ Jurisdiction by Her Majesty within divers Countries and Places out c. 94.
5 “ of Her Majesty’s Dominions, and to render the same more effectual,”
it was enacted that it should be lawful for Her Majesty to hold,
exercise, and enjoy any Power or Jurisdiction which Her Majesty
then had or might at any Time thereafter have within any
Country or Place out of Her Majesty’s Dominions, in the same
10 and as ample a Manner as if Her Majesty had acquired such
Power or Jurisdiction by the Cession or Conquest of Territory:
And whereas, to make Provision for the due Exercise of the
Jurisdiction possessed by Her Majesty in the Dominions of the
Kings of Siam, Her Majesty, by an Order in Council, dated the Order in
15 Twenty-eighth Day of July One thousand eight hundred and fifty- Council of
six, and expressed to be made in pursuance of the above-recited 28th July
Act, vested certain Powers and Authorities in Her Majesty’s Consul 1856.
[Bill 190.] appointed

appointed to reside in the Kingdom of Siam for the Peace, Order, and good Government of Her Majesty's Subjects being within the Dominions of the Kings of Siam, and particularly Authority to hear and determine any Suits of a Civil Nature arising in those Dominions between a British Subject and a Subject of the Kings of Siam 5 or a Subject or Citizen of a Foreign State in Amity with Her Majesty, or between British Subjects, subject to an Appeal, expressed to be given by the said Order, to the Supreme Court in Her Majesty's Possession of Singapore, and also Authority to try British Subjects charged with having committed Crimes or 10 Offences within the Dominions of the Kings of Siam, and Power also to cause any British Subject charged with the Commission of any Crime or Offence, the Cognizance whereof might appertain to such Consul, to be sent to Her Majesty's Possession of Singapore for Trial before the Supreme Court of the said Possession; and in the 15 said Order in Council are contained Provisions in relation to the Trial by the said Supreme Court of the British Subjects so sent for Trial, and also for the Exercise by the said Supreme Court, concurrently with Her Majesty's Consul in Siam, of Authority and Jurisdiction in regard to all Suits of a Civil Nature between British Subjects arising within the 20 Dominions of the Kings of Siam: And whereas Doubts have arisen whether all the Jurisdiction intended to be vested by the said Order in Council in the Supreme Court of Singapore can be effectually vested in the said Court without the Authority of Parliament, and it is expedient that the said Order should be confirmed as herein-after 25 mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Order in
Council con-
firmed.

I. The said Order in Council is hereby confirmed, and shall have 30 the same Force and Effect as if every Article and Provision therein had been enacted by the Authority of Parliament: Provided always, that it shall and may be lawful for Her Majesty, by Order in Council, at any Time hereafter to amend, alter, or vary the said Order in Council, and from Time to Time by any fresh Order or Orders 35 in Council to make such other Rules and Regulations touching the Administration of Justice by the said Supreme Court at Singapore, under the said recited Order, as to Her Majesty in Council shall seem right.

Jurisdiction in Siam.

A BILL

INTRODUCED

An Act to confirm an Order in Council
concerning the Exercise of Jurisdiction
in Matters arising within the Kingdom
of Siam.

(*Brought from the Lords 12 August 1857.*)

*Ordered, by The House of Commons, to be Printed,
13 August 1857.*

[Bill 190.]
Under 1 oz.

25 June 1857. 20 & 21 VICT.



(Ireland.)

A

B I L L

TO

Amend the Acts relating to the Justices and
Police Force of the Dublin Metropolitan Police
District.

WHEREAS it is expedient to amend the Laws relating to the Dublin Police, and to the Administration of Justice within the Police District of Dublin Metropolis, and to consolidate the Statutes and Parts of Statutes relating thereto: Preamble.
5 Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

10 I. In the Interpretation of this Act, save when there is anything in the Subject or Context repugnant to such Construction, the following Words and Expressions shall have the several Meanings hereby assigned to them: The Words "Lord Lieutenant" shall mean the Lord Lieutenant or other Chief Governor or Governors of Ireland for the Time being; "Chief or Under Secretary" shall mean the
15 Chief or Under Secretary of the Lord Lieutenant; "Commissioner" shall include Assistant Commissioner; "Police Justice" and "Justice" shall mean a Divisional or Police Justice acting for the Metropolitan Police District; "Police District" shall mean Metropolitan Police
[Bill 92.] Interpreta-
tion Clause.

A

District;

District; "Police" shall mean Dublin Metropolitan Police; "Constable" shall include Inspector, Superintendent, Sergeant, or other Member of the Police Force; "summary Jurisdiction" shall be deemed to mean any Case as to which a summary Conviction or Order may be made by any Divisional Justice; and "summary Proceedings" shall mean any Proceedings in respect to such Case; the Word "Complaint" shall include Information, and "Complainant" shall include Informant or Prosecutor; the Word "Order" shall include Conviction; the Word "Gaol" and "Common Gaol" shall include any Gaol, House of Correction, or Bridewell within the Police District; and the Word "Horse" shall include any other Animal of any Kind commonly used or employed in drawing any Kind of Carriage; "Treasury" shall mean the Lord High Treasurer or Commissioners of the Treasury for the Time being; "Goods" shall include Chattels.

15

Short Title
of Act.

II. This Act may be cited for all Purposes as "The Dublin Police Act, 1857."

Commence-
ment of Act.

III. This Act shall commence and take effect on the
Day of *One thousand eight hundred and fifty-seven.*

20

Certain Acts
and Parts of
Acts re-
pealed.

IV. From and after the *Commencement of this Act*, the several Acts and Parts of Acts set forth in the Schedule (A.) to this Act annexed, to the Extent to which such Acts or Parts of Acts are by such Schedule expressed to be repealed, and every other Act and such Parts of every other Act as shall be inconsistent with this Act, shall be and they are hereby repealed; provided that such Repeal shall not affect anything duly done, any Appointment duly made, any Security duly given, or any Liability accruing before the Commencement of this Act, or any Penalty, Forfeiture, or other Punishment incurred or to be incurred in respect of any Offence committed before the Commencement of this Act, or the Institution or Prosecution of any Investigation or Proceeding in relation to any such Liability or Offence.

*Police Dis-
trict.*

Police Dis-
trict defined.
1 Vict. c. 25.
s. 1.

V. From and after the *passing of this Act*, Her Majesty's Castle of Dublin, and all Places situated and contained within the Limits or Boundary specified and described in Schedule (B.) to this Act annexed, shall continue to be and be called "The Metropolitan Police District;" and all Parts of the County of Dublin not comprised within the said District, as the same is by this Act limited and defined, shall be deemed to be the County of Dublin for the Purpose of and within the Intent and Meaning of the Act of the Sixth and

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30

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and Seventh Years of the Reign of King William the Fourth, Chapter Thirteen. 6 & 7 W. 4. c. 13.

VI. And whereas it may hereafter become expedient that the Provisions of this Act should be extended to other Places in addition to the Places comprised within the Limits or Boundary described in Schedule (B.): Be it therefore enacted, That it shall be lawful for the Lord Lieutenant, by the Advice of Her Majesty's Privy Council for Ireland, to order that any Parish or Place in the County or County of the City of Dublin of which any Part shall be on the South Side of that Portion of the River Anna Liffey which is Eastward of Her Majesty's Castle of Dublin, or on the South Side of the Bay or Harbour of Dublin, and shall be within *Eight* Miles of Her Majesty's said Castle of Dublin, and within *Four* Miles of the said River, or Bay or Harbour, shall, after a certain Day to be named in such Order, be added to and form Part of the Police District, and thereupon and by Force of such Order such Parish or Place shall become to all Intents and Purposes Part of such Police District, as if the same had been originally included therein by this Act.

Lord Lieutenant may direct Parishes within certain Limits to be added to District.
1 Vict. c. 25. s. 2.
2 & 3 Vict. c. 78. s. 14.

VII. It shall be lawful for the Lord Lieutenant, by the Advice of Her Majesty's Privy Council for Ireland, from Time to Time to redivide the Police District, and reduce the Number of Divisions, or alter the Limits thereof.

Police District may be divided.
1 Vict. c. 25. s. 13.

VIII. Every Commissioner, Justice, Receiver, Secretary, Chief and other Clerks attached to the Metropolitan Police Department, Divisional and other Police Courts, holding Office at the Commencement of this Act, shall continue to hold his Office under this Act as he has heretofore held the same, unless superseded under this Act.

Appointments, Salaries, and Pensions.

Commissioners, &c. already appointed to retain Offices.

IX. From the *passing of this Act*, the Appointment of the Secretary and all Clerks and Officers of the Police Department and in the Police Courts shall be vested in the Lord Lieutenant, and such Secretary, Clerks, and Officers shall receive such Salaries as the Chief Secretary shall from Time to Time direct, to be paid out of the Police Funds: Provided that the Salary of such Secretary shall not exceed the Sum of *Four hundred and fifty Pounds*.

Appointment of Clerks vested in Lord Lieutenant.

X. No Office or Employment under this Act shall prevent the Holder thereof from receiving any Half Pay to which, if he did not hold such Office or Employment, he might be or become entitled under any Act passed or hereafter to be passed, unless it shall be specially mentioned and provided in such Act that Persons holding such Appointments shall not receive Half Pay.

No Office to prevent Holder from receiving Half Pay.
1 Vict. c. 25. s. 19.

[92.] A 2 XI. Nothing

Act not to
affect Sa-
laries, Pen-
sions, &c.
charged on
Police Funds.
48 G. 3.
c. 140. s. 17.
6 & 7 W. 4.
c. 29. s. 12.
1 Vict. c. 25.
s. 17.
1 & 2 Vict.
c. 63. ss. 1, 2.
10 & 11 Vict.
c. 100. s. 10.

XI. Nothing in this Act contained shall affect the regular and usual Payment of any Salary, Superannuation Allowance, Pension, or other Money heretofore charged upon and payable out of the Funds of the said Police Establishment, in pursuance of any Act of Parliament, or by virtue of any Warrant, Direction, Grant, or Allow- 5
ance of the Lord Lieutenant or the Treasury, but all such Salaries, Pensions, Superannuation Allowances, or other Money shall be paid in the same Manner and at the same Time that such Salaries, Superannuation Allowances, Pensions, or other Money have been paid before the Commencement of this Act; and provided also, 10
that nothing in this Act contained shall affect the Act of the Tenth and Eleventh Years of the Reign of Her present Majesty, Chapter One hundred, or the Power of the Treasury, upon the Terms and subject to the Conditions in the said Act contained, to grant any Pension, Superannuation Allowance, or Gratuity to any Person 15
holding an Appointment in the Police, whether such Appointment shall have been made under any Act heretofore passed or under this Act.

Compensa-
tion Clause.
Dublin Rates
Act:
10 & 12 Vict.
c. 91. s. 57.

XII. It shall be lawful for the Treasury, on the Recommendation of the Lord Lieutenant, to grant to any Commissioner, Justice, Clerk, or other Person belonging to any of the Offices of the Police Depart- 20
ment whose Office shall be abolished, cease, or become unnecessary under this Act, and who shall not be re-appointed or employed or retained in an Office of equal Value, such an adequate Compensation or Allowance, chargeable on the Police Funds, as under the Circumstances of each Case shall appear just.

Allowances
to be sus-
pended or
diminished
on Appoint-
ment with
equal or less
Salary.
1 Vict. c. 25.
s. 15.

XIII. Provided always, That the Payment of any such last-men- 25
tioned Compensation or Allowance shall altogether cease and be suspended while the Person to whom such Compensation or Allowance shall be granted shall hold any Office in any Public Department the Salary or Profits whereof shall be equal to or shall exceed the 30
Salary which was enjoyed by such Person in such Office so abolished, ceasing, or becoming unnecessary; and in case the Salary or Profits of the Office to which such Person may be appointed shall be less than the Salary which was enjoyed by such Person in such Office 35
so abolished, ceasing, or becoming unnecessary, then no more of such Compensation or Allowance shall be paid to him than so much as, together with the Salary and Profits of such new Office, shall be equal to the Amount of the Salary enjoyed by such Person at the Time of his Office being abolished, ceasing, or becoming unnecessary, as aforesaid.

No Commis-
sioner, Jus-
tice, &c. to
sit in Par-
liament;

XIV. No Commissioner, Justice, or Receiver shall, so long as 40
he shall hold such Office, be capable of being elected or of sitting as a Member of the House of Commons; and no Commissioner, Justice, Receiver, or Person belonging to the Police shall during the

- the Time that he shall continue in such Office or Police, or within *Six* Calendar Months after he shall have quitted the same, be capable of giving his Vote for the Election of a Member to serve in Parliament for the Counties of Dublin, Wicklow, Kildare, or Meath, or
- 5 for the County of the City of Dublin, or for any Borough within the said Counties, nor shall in any Manner endeavour to persuade any Elector to give or dissuade any Elector from giving his Vote for any Person to be a Member to serve in Parliament for any such County, City, or Borough; and if any such Commissioner, Justice,
- 10 Receiver, or Person shall offend herein he shall forfeit *One hundred Pounds*, to be recovered by any Person who will sue for the same within *Six* Calendar Months after the Commission of the Offence; and *one Moiety* of the Sum so recovered shall be paid to the Informer, and the *other Moiety* thereof to the Receiver, as Part of the Funds
- 15 for the Purposes of this Act: Provided always, that nothing in this Enactment contained shall subject any such Commissioner, Justice, Receiver, or Person to any Penalty for any Act done by him at or concerning any of the said Elections in the Discharge of his official Duty.
- 20 XV. No Person, solely or in Partnership, exercising the Trade of a Brewer, Distiller, or Dealer in Wine by Retail to licensed Public Houses, no Person who shall have a Licence to sell Malt Liquors or Spirituous Liquors, or who shall in any Manner be engaged as a Seller thereof, and no Victualler or Person keeping a Public House,
- 25 shall be capable of holding any Office in the Police.
- XVI. Whosoever holding any Office under "The Dublin Carriage Act, 1853," or this Act, shall be declared bankrupt, or shall apply to take the Benefit of any Act for the Relief of Insolvent Debtors, shall thereupon immediately become disqualified and shall cease to hold
- 30 such Office.
- XVII. It shall be lawful for the Lord Lieutenant, if he shall think fit, to remove the Commissioners holding Office at the Commencement of this Act, or either of them, or any Commissioner to be hereafter appointed, and upon any Vacancy in the Office of Commissioner by Death, Removal, or otherwise, and subject to the
- 35 Provision herein-after contained, to appoint another fit Person Commissioner or Assistant Commissioner in lieu of the Person making such Vacancy; and such Person during the Continuance of his Appointment shall execute the Duties of Commissioner under this Act,
- 40 although he may not have any such Qualification by Estate as is required by Law in the Case of a Justice of the Peace for a County: Provided always, that no such Commissioner shall act as a Justice of

or vote at certain Elections.

6 & 7 W. 4. c. 29. s. 19.;

Penalty 100*l*.

Proviso.

No Brewer, &c. to hold any Office. 6 & 7 W. 4. c. 29. s. 23.

Persons holding Office, if bankrupt or insolvent, disqualified. 3 & 4 Vict. c. 108. s. 88.

Commissioners, &c.

Removal, Appointment, and Qualification of Commissioners.

Proviso.

the Peace at any Court of General or Quarter Sessions, nor in any Matter out Sessions, except for the Preservation of the Peace, the Prevention of Crimes, the Detection and Committal of Offenders, and in carrying this Act into execution.

Salary of Commissioners.

6 & 7 W. 4.
c. 29. s. 3.

XVIII. It shall be lawful for the Lord Lieutenant to direct that 5
an annual Salary, not exceeding the Sum of *One thousand Pounds*, shall be paid, out of such Funds as Parliament shall provide, to each of the Commissioners now holding Office or hereafter to be appointed, and that the same shall be payable quarterly.

Future Commissioners to be Chief and Assistant Commissioner.

XIX. Upon any Vacancy occurring in the Office of either of the 10
Commissioners now holding Office, the Commissioner to be appointed to such vacant Office shall be an Assistant Commissioner to the remaining Commissioner, who shall thereupon become Chief Commissioner, and thenceforth the Commissioners under this Act shall be respectively Chief Commissioner and Assistant Commissioner, as the 15
Lord Lieutenant shall in that Behalf appoint, and the Salary of the Assistant Commissioner shall not exceed *Eight hundred Pounds*, anything herein-before contained to the contrary notwithstanding.

One Commissioner may act in certain Cases.

XX. Any Act or Thing herein or by any other Act authorized to be done by the Commissioners may be done by either of the Com- 20
missioners now holding Office, and after the Commissioners shall have become Chief and Assistant Commissioner, as herein provided, may be done by the Chief Commissioner alone, or in his Absence by the 25
Assistant Commissioner alone; provided, that to establish the Validity of any Act or Thing done by the Assistant Commissioner it shall 25
not be necessary to prove the Absence of the Chief Commissioner.

Oath to be taken by Commissioners.

6 & 7 W. 4.
c. 29. s. 2.

XXI. Every Commissioner to be appointed under this Act shall, before he shall begin to execute the Duties of his Office, take the following Oath before some Justice or Baron of One of Her Majesty's Courts of Record at Dublin; (that is to say,) 30

‘ I *A. B.* do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Knowledge, execute all the Powers and Duties of a Commissioner under and by virtue of “The Dublin Police Act, 1857.”’ 35

Commissioners shall be Justices for every County &c. in Ireland.

6 & 7 W. 4.
c. 13. s. 5.

XXII. From the *passing of this Act*, the Commissioners and their 35
Successors in the said Office shall take, before any Two Magistrates, the Oaths by Law required to be taken by Justices of the Peace in Ireland, and shall thereupon become, without further Qualification or Appointment, and continue so long as they shall respectively hold the said Office, but no longer, Justices of the Peace for every County, 40
Town,

Town, and Liberties in Ireland; and in the Investigation and determining of any Charge or other Matter which shall come before them relating to the Police Force, or which the Chief or Under Secretary may direct the Commissioners to investigate, it shall be lawful for the
5 Commissioners to examine upon Oath all Parties and Witnesses.

XXIII. The Commissioners may from Time to Time, subject to the Approbation of the Chief or Under Secretary, frame such Regulations as they shall deem expedient, relative to the general Government of the Police Force, the Places of the Residence, the Classification, Rank, and particular Service of the several Members, their
10 Distribution and Inspection, the Description of Arms, Accoutrements, and other Necessaries to be furnished to them, and the Proportion of them to be provided with Horses for the Performance of their Duty, and all such other Regulations as the Commissioners shall from Time
15 to Time deem expedient for preventing Neglect or Abuse, and for rendering the Force efficient in the Discharge of its Duties; and the Commissioners may at any Time suspend or dismiss any Man belonging to the Force whom they shall think remiss or negligent in the Discharge of his Duty, or otherwise unfit for the same; and when any
20 Man shall cease to belong to the Force all Powers vested in him by virtue of this Act shall immediately determine.

Commissioners may make Regulations for the Management of Police Force. 6 & 7 W. 4. c. 29. s. 5.

Constables may be suspended or dismissed by Commissioners. 52 & 53 V. 2.

XXIV. It shall be lawful for the Commissioners, in all Cases of actual Tumult, Riot, or Felony in any Part of the Police District, or upon reasonable Apprehension of any such Tumult, Riot, or Felony,
25 grounded upon Information on Oath, and if the Exigency of the Occasion shall, in the Judgment of the Commissioner, so require, to appoint any Number of Persons to be Special Constables, to act as Constables within the District, for a certain Time, to be limited by the Commissioners, without Fee or Reward, and to administer to
30 such Persons so appointed the usual Oath administered to ordinary Constables of the District.

Commissioners empowered to swear in Special Constables. 5 G. 4. c. 102. s. 14.

XXV. The Special Constables so appointed and sworn in shall, during the Time so limited, have the same Powers, Privileges, Protections, and shall be subject to the same Commands and Regulations,
35 as ordinary Constables of the District: Provided always, that no such Special Constable shall be so appointed or sworn in unless he shall consent to act as Constable without Emolument or Reward: Provided also, that it shall be lawful for the Commissioners, before the Expiration of the Term during which such Constables shall have been
40 authorized to act, to annul the Appointments made of such Constables, either in the whole or in part, or to remove such Constables or any of them, and thereupon all the Powers and Privileges of such Special Constables shall cease and determine accordingly.

Powers of Special Constables, who are to act without Emolument.

Commissioners may annul the Appointment of such Special Constables.

Commis-
sioners to
post up De-
scriptions of
Felons, Re-
ceivers of
Stolen Goods,
&c., and cir-
culate the
same free of
Postage.
48 G. 3.
c. 140. s. 44.

XXVI. The Commissioners shall cause Notices containing Descriptions of Felons, or Persons accessory to Felony, or Receivers of Stolen Goods, and also Descriptions of Goods stolen or feloniously taken and carried away, harboured, or concealed within the District or elsewhere in Ireland, and all such other Circumstances relative thereto 5 as they may think necessary, to be fixed up in such Parts of the District as shall be deemed by them most proper, and also shall cause Copies of the same to be circulated through such Parts of Ireland as they shall think proper; and the Postmaster General, or his Deputy, or other Person employed by him, shall, so often as he 10 shall be thereunto required by the Commissioners, cause such Printed Notices to be despatched from the Post Office to the principal Police Officers of the said Towns, to whom the same shall be directed, to be by them fixed up where they may be seen and read in the most frequented Parts of such Places, which Notices shall not be charged 15 with any Duty for Stamps or Postage.

Commis-
sioners to
sign all Li-
cences.
48 G. 3.
c. 140. s. 62.

XXVII. The Commissioners or their Officer authorized in that Behalf shall have and enjoy the same Power and Authority to grant, issue, and sign Licences and Certificates as the Divisional Justices of the Castle Division of the said District heretofore had under certain 20 Acts of the Parliament of Ireland passed in the following Years of the Reign of His Majesty King George the Third, that is to say, in the Thirty-fifth Year, Chapter Thirty-six, in the Thirty-sixth Year, Chapter Thirty, in the Thirty-ninth Year, Chapter Fifty-six, and in the Fortieth Year, Chapter Sixty-two, and under the Acts of 25 the Parliament of the United Kingdom passed in the following Years of the Reign of His said Majesty, that is to say, in the Forty-fourth Year, Chapter Twenty-two (Local), in the Forty-eighth Year, Chapter One hundred and forty, or any of them, or under any other Law or Authority whatsoever now in force; and such Licences shall 30 respectively be subject to all such Fines, Duties, Taxes, and Payments as Licences for the like Purposes are now subject to be applied to the Purposes of this Act; and the said Commissioners shall insert in such Certificates and Licences the Place of Abode and particular Description of every Person to whom such Certificates and Licences 35 shall be granted, and shall number each Certificate and Licence, and keep or cause to be kept particular Entries of such Descriptions, Certificates, and Licences.

Licences.

No Person to
be a Pawn-
broker with-
out Licence.
48 G. 3.
c. 140. s. 65.

XXVIII. No Person shall exercise the Trade of a Pawnbroker within the Police District unless he shall have a Licence for that 40 Purpose under the Provisions of this Act, and whosoever shall exercise such Trade within the District without such Licence, upon being convicted thereof, shall forfeit the Sum of *Fifty Pounds*: Before
any

any Person shall exercise the Business of a Pawnbroker within the Police District he shall deliver to the Commissioners a Note in Writing of his Place of Abode, and of the Place where he intends to carry on Business, and thereupon a Licence shall be granted by the
 5 Commissioners unto him for exercising the Business of a Pawnbroker, for which he shall, previous to the issuing thereof, pay the Duties in and by the Act of the Forty-fourth Year of the Reign of His late Majesty King George the Third, Chapter Twenty-two (Local and Personal), payable for the same, and which shall be applicable to the
 10 Purposes of this Act, which Licences shall be in force until the *Twenty-fifth Day of March* next after the same shall be granted.

XXIX. If any Person shall forge or cause or procure to be forged any Licence of the Commissioners, every such Person, on being convicted thereof, shall forfeit a Sum not exceeding *Fifty Pounds*, and
 15 for Want of sufficient Goods to satisfy the said Penalty such Offender shall be committed to the Common Gaol for any Time not exceeding *Six Months*, at the Discretion of the Justice before whom such Offender shall be so convicted.

Penalty on
forging Li-
cences.
48 G. 3.
c. 140. s. 75.

Receiver.

XXX. It shall be lawful for the Treasury, upon any Vacancy in
 20 the Office of Receiver to the Police Force by Death, Removal, or otherwise, to appoint another Person to be such Receiver, and to revoke any such Appointment, or remove any such Receiver if the Treasury shall see Occasion so to do; and it shall be lawful for the Treasury to allow to the Receiver now holding Office or hereafter to
 25 be appointed such yearly Salary, payable quarterly, out of the Funds to be by him received, as they may think proper, not exceeding *Five hundred Pounds*; and the Receiver for the Time being shall give Security to Her Majesty in a Bond with Two Sureties in such Sum as the Treasury shall direct, such Bond to be conditioned for the
 30 faithful Performance of his Duty by such Receiver, and for the due Application of all Monies paid to him under this Act; and in case of the Sickness or necessary Absence of such Receiver it shall be lawful for the Receiver, with the Approbation of the Treasury, to appoint some other Person to act in his Place.

Treasury
may appoint
Receiver of
Monies ap-
plicable to
Purposes of
Act, who
shall give
Security.
6 & 7 W. 4.
c. 29. s. 10.

In case of
Sickness, &c.
Receiver
may appoint
a Deputy.
See Dublin
Rates Act,
12 & 13 Vict.
c. 91. s. 2.

XXXI. The Receiver shall receive all Sums of Money applicable to the Purposes of this Act, and shall keep an exact Account thereof, and shall immediately pay all Monies, Bills, and Notes by him re-
 35 ceived under this Act into the Hands of the Governor and Company of the Bank of Ireland, and the same shall be placed to an Account in the Books of the said Governor and Company which shall be
 40 intituled "The Account of the Public Monies of the Receiver for the Metropolitan Police District," inserting the Name of the Receiver for the Time being; and the said Receiver shall draw out of the Bank

Duties of
Receiver,
Accounts,
&c.

Money to be
placed in
Bank of
Ireland and
drawn out
by Receiver.

from Time to Time such Sums of Money as may be necessary for the Payment of all Charges and Expenses in carrying this Act into execution; and the said Receiver shall be governed in respect of his pecuniary Transactions, whether of Receipt or Payment, and in respect of the Periods in and for which he shall deliver his Accounts accompanied by the proper Vouchers, and as to the Manner in which such Accounts shall be kept and prepared and exhibited for Audit, by such Rules and Regulations as shall be issued in that respect from Time to Time by the Treasury; and every Draft or Order for Money on the Bank of Ireland drawn by the Receiver shall be countersigned by One of the Commissioners, and all Drafts and Orders so drawn and countersigned but not otherwise shall be a sufficient Authority to the Bank to pay the same.

Receiver's
Drafts to be
counter-
signed.

Duties levied
under Act to
be paid to
Receiver.

48 G. 3.
c. 140.
ss. 28, 29, 62.
6 & 7 W. 4.
c. 29. s. 30.

XXXII. All Duties to be levied under this Act shall be paid to the Receiver by the Persons who shall be duly appointed to receive the same at such Times in every Year as shall be fixed and appointed by the Commissioners, and shall be by him placed to the same Account and applied to the like Purposes as the other public Monies of the Police District; and the Receiver shall keep separate and distinct Accounts of the Duties applicable to the Purposes of this Act.

Receiver's
Accounts to
be audited.

6 & 7 W. 4.
c. 29. s. 11.

XXXIII. The Receiver shall account for the due Application of all Monies drawn by him out of the Bank of Ireland, and shall once in every *Six* Months, and oftener if required by the Commissioners of the Treasury, or by the Chief or Under Secretary, make out and sign a full and particular Account of all Monies which shall have been received by him under this Act, and how much thereof hath been paid by him and for what Purposes, together with proper Vouchers for the Receipts and Payments; and such Account shall be delivered for the Purpose of being examined and audited either to the Commissioners for auditing the public Accounts, or to such Person as the Treasury shall from Time to Time direct, and the Receiver shall be subject to the same Regulations and Penalties in that respect as any public Accountant.

Accounts to
be laid before
Parliament
annually.

6 & 7 W. 4.
c. 29. s. 33.

XXXIV. An Account of all Monies received and expended for the Purposes of this Act, made up to the *Thirty-first Day of December* in each Year, shall annually be laid before both Houses of Parliament within *Thirty* Days thereafter if Parliament be then sitting, or within *Thirty* Days after the First Meeting of Parliament subsequent to the *Thirty-first of December*; and such Accounts shall specify the total Sum received for every Tax, Rate, Rent, Duty, or other Charge for the Purposes of this Act, and such Account shall also specify the different Heads of Expenditure for the Purposes of the Police, and the Amount actually expended under each.

XXXV. The

XXXV. The Receiver out of the Monies so received by him shall from Time to Time pay to the Persons belonging to the Police such Salaries, Wages, and Allowances, and at such Periods, as the said Chief Secretary shall direct, and also any extraordinary Expenses 5 which they shall appear to have necessarily incurred in apprehending Offenders and executing the Orders of the Commissioners, (such Expenses being first examined and approved of by the Commissioners,) and any further Sums which such Chief or Under Secretary shall direct to be paid to any of the Police as a Reward for extraordinary Diligence or Exertion; and the Receiver shall also pay all 10 such Sums as such Chief or Under Secretary shall with the Sanction of the Treasury direct to be paid to any of the Police as a Compensation for Wounds or severe Injuries received in the Performance of Duty, or as an Allowance to such of them as shall be disabled 15 by bodily Injury received, or shall be worn out by Length of Service, and he shall also pay all other Salaries, Charges, and Expenses which such Chief or Under Secretary shall direct to be paid for carrying this Act into execution.

Receiver to pay Salaries and Wages of Police under Direction of Chief or Under Secretary.
6 & 7 W. 4. c. 29. s. 12;
As also Rewards for Activity, and Superannuation Allowances.

XXXVI. The Receiver shall, under the Direction of the Chief or 20 Under Secretary, make all such Contracts and Disbursements as shall be necessary for purchasing or renting any Land or Buildings, or for erecting, fitting up, furnishing, or repairing any Buildings for the Purposes of this Act, subject nevertheless to such Regulations as the Treasury shall from Time to Time think fit to establish; and 25 all Lands and Buildings so to be purchased or rented, and the Fixtures and Furniture thereof, and all Buildings, Station Houses, Arms, Accountments, Goods, and Chattels held or purchased for the Purposes of this Act shall be vested in the Receiver for the Time being, and his Successors in Office; and the Receiver may, by the Directions 30 of such Chief or Under Secretary, sell, assign, or dispose of the whole or any Part of any such Property as aforesaid, and shall execute all such lawful Matters for carrying this Act into execution as such Chief or Under Secretary shall from Time to Time direct.

Receiver shall contract for any Land or Buildings required.
6 & 7 W. 4. c. 29. s. 16.
Property to be vested in him.

XXXVII. It shall be lawful for the Receiver for the Time being 35 to purchase or lease any Lands or Buildings which may be required for the Purposes of this Act, and any Lands or Buildings so purchased or leased shall vest in the Receiver for the Time being and his Successors in Office in trust for the Purposes of this Act; and the "Lands Clauses Consolidation Act, 1845," except the Provisions 40 for affording Access to the special Act, shall be incorporated with and form Part of this Act.

Receiver may purchase Lands.

XXXVIII. When any Goods or Money charged to be stolen or unlawfully obtained, and of which the Owner shall be unknown, shall

Receiver may sell unclaimed stolen

Goods after
Twelve
Months.
5 Vict. c. 24.
s. 58.

be ordered by any Divisional Justice to be delivered to the Receiver, it shall be lawful for the Receiver after the Expiration of *Twelve* Calendar Months, during which no Owner shall have appeared to claim the same, to sell or dispose of such Goods or Money for the Benefit of the Police Fund.

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Upon Death
or Removal
of Receiver,
Balance in
Bank trans-
ferred to
Successor.
6 & 7 W. 4.
c. 29. s 13.

XXXIX. Upon the Death, Resignation, or Removal of any Receiver the Balance of Cash for which he shall at the Time have Credit in his Account as Receiver with the Governor and Company of the Bank of Ireland shall, as soon as a Successor shall be appointed to the Office of Receiver, actually vest in such Successor, and shall be immediately transferred to the Account of such Successor, to be applied for the Purposes of this Act; and the Receiver for the Time being is hereby required to issue his Drafts or Orders, countersigned as by this Act directed, for all unsatisfied Charges and Demands payable out of the Monies in the Bank, although the same shall have accrued in the Time of any former Receiver.

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Upon Re-
moval of
Receiver,
Successor
may sue for
Balance in
Hand.
6 & 7 W. 4.
c. 29. s. 14.
Mode of pro-
ceeding.

XL. If any Person having resigned or having been removed from the Office of Receiver shall neglect, within *Twenty-one* Days after Notice for such Purpose, to account for and pay to any succeeding Receiver all such Sums of Money as shall remain in his Hands applicable to the Purposes of this Act, it shall be lawful for the Receiver for the Time being, in his own proper Name only, or by his Name and Description of Office, to sue for and recover the same from such Person with *double* Costs of Suit, in any of Her Majesty's Courts of Record at Dublin, in which Action it shall be sufficient for such Receiver to sue as for Money had and received to the Use of such Receiver for the Purposes of this Act.

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Special Bail.

Court may
refer Ac-
counts to
Officer or
Arbitrator.

XLI. The Defendant in such Action may, at the Discretion of any Judge of such Court, be held to Special Bail in such competent Sum as the Judge shall order; and the Court in which the Action shall be brought may, at the Instance of either of the Parties, refer the Account in dispute in a summary Manner to be audited by any Officer of the Court or other fit Person, who may examine both Plaintiff and Defendant upon Oath (which Oath the Referee shall have Power to administer); and upon the Report of such Referee, unless either of the Parties shall show good Cause to the contrary, the Court may make a Rule either for the Payment of such Sum as upon the Report shall appear to be due, or for staying the Proceedings in the Action, and upon such Terms and Conditions as to the Court shall appear reasonable; or the Court may order Judgment to be entered up by Confession for such Sum as upon the Report shall appear to be due.

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XLII. In

XLII. In case of the Death of any Person during the Time that he shall be holding the Office of Receiver, or after he shall have resigned or been removed from such Office, the Receiver for the Time being may in his own proper Name only, or by his Name and

- 5 Description of Office, sue for and recover from the Executors or Administrators of such Person deceased all such Sums of Money as shall have been remaining in his Hands applicable to the Purposes of this Act in any of Her Majesty's Courts of Record at Dublin, in which Action it shall be sufficient for the Plaintiff to allege that the
- 10 Deceased was indebted to the Plaintiff for Money had and received to his Use for the Purposes of this Act, or that the Deceased died possessed of Money had and received for the Purposes of this Act, whereby an Action had accrued to the Plaintiff to demand and have the same from such Executors or Administrators, and the like
- 15 Action may be brought against any Executors, or Administrators of Executors, or Administrators; and in all such Actions the Defendants may plead in like Manner and avail themselves of the like Matters in Defence as in any Action founded upon simple Contracts of the original Testator or Intestate, and the Court may refer the Account
- 20 in dispute to be audited by any Officer or Person, and may proceed upon the Report of such Referee in like Manner as is herein-before mentioned.

Mode of proceeding against Representatives of deceased Receiver.
6 & 7 W. 4.
c. 29. s. 15.

Police Force.

- XLIII. The Men heretofore appointed or hereafter to be appointed as a Police Force for the District shall have, not only within the
- 25 District but also within the Counties of Dublin, Wicklow, Kildare, and Meath, and within all Liberties therein, all such Powers and Privileges, and shall be bound to perform all such Duties as any Constable duly appointed now has or hereafter may have within his Constablewick by virtue of the Common Law of this Realm, or of
- 30 any Statutes made or to be made, and to obey all such lawful Commands as they may from Time to Time receive from the Commissioners for conducting themselves in the Execution of their Office, and shall have and exercise all Powers and Privileges vested in
- 35 Constables by any Statute or Law now in force, except where the contrary is directed by this Act, or where the same would be repugnant to or inconsistent with any Provision herein contained.

Police Force for whole District appointed, &c.
6 & 7 W. 4.
c. 29. s. 4.

Invested with same Powers as similar Officers.
6 & 7 W. 4.
c. 29. s. 36.

XLIV. Every Constable hereafter to be appointed under this Act shall, before he shall do any Act in his said Office, take and subscribe the Oath following; (that is to say),

Form of Oath to be taken by all Constables under Act.
6 & 7 W. 4.
c. 29. s. 44.

- 40 ' I *A. B.* do swear, That I will well and truly serve our Sovereign Lady the Queen in the Office of Constable, without Favour or Affection, Malice or Illwill; that I will see and cause Her Majesty's Peace to be kept and preserved, and I will prevent to the best of my

[92.]

B 3

' Power

‘ Power all Offences against the same; that while I shall continue
 ‘ to hold the said Office I will to the best of my Skill and Know-
 ‘ ledge discharge all the Duties thereof faithfully according to
 ‘ Law, and that I do not now belong to, and that while I shall hold
 ‘ the said Office I will not join or belong to, any Political Society 5
 ‘ whatsoever, or any secret Society whatsoever, unless the Society
 ‘ of Freemasons.’

And the said Oath shall be administered to all Constables hereafter to
 be appointed by the said Commissioners, and shall in all Cases be
 subscribed by the Person taking the same. 10

No Con-
 stable to be
 a menial
 Servant, &c.
 6 & 7 W. 4.
 c. 29. s. 22.
 Police Vans,
 &c. exempt-
 ed from
 Turnpike
 Tolls.
 5 Vict. sess. 2.
 c. 24. s. 2.

XLV. No Person appointed a Constable shall be or act as a
 domestic or menial Servant to any Person whatsoever.

XLVI. No Toll shall be demanded or taken on any Turnpike
 Road or Bridge for any Horse or Police Van passing along such Road
 or Bridge in the Service of the Dublin Police, provided that the 15
 Rider of such Horse or Driver of such Van shall have his Dress and
 Accoutrements, according to the Regulations of the Police, at the
 Time of claiming the Exemption; and every Person who shall fraudu-
 lently claim or take the Benefit of the Exemption from Toll herein
 contained, not being lawfully entitled thereunto, shall for every such 20
 Offence be liable to a Penalty not exceeding *Five Pounds*; and
 in all such Cases the Proof of Exemption shall be upon the Person
 claiming the same.

Penalty on
 Publicans
 harbouring
 Constables
 during
 Hours of
 Duty.
 6 & 7 W. 4.
 c. 29. s. 6.

XLVII. If any Victualler or Keeper of any House, Shop, Room,
 or other Place for the Sale of any Liquors, whether spirituous or 25
 otherwise, shall knowingly harbour or entertain any Man belonging to
 the said Police Force, or permit such Man to abide or remain in his
 House, Shop, Room, or other Place during any Part of the Time
 appointed for his being on Duty, every such Victualler or Keeper as
 aforesaid, being convicted thereof before any Justice of the Peace, 30
 shall for every such Offence forfeit and pay such Sum not exceeding
Five Pounds as such Justice shall think fit.

Constables
 dismissed to
 deliver up-
 Accoutre-
 ments.
 5 Vict. sess. 2.
 c. 24. s. 3.

XLVIII. Every Constable who shall be dismissed from or shall
 cease to hold his Office, and who shall not forthwith deliver over all
 the Clothing, Accoutrements, Appointments, and other Necessaries 35
 which may have been supplied to him for the Execution of his Duty,
 to the Commissioners, or to such Person and at such Time and Place
 as shall be directed by them, shall be liable to Imprisonment, with or
 without Hard Labour, for any Time not exceeding *One Calendar*
Month; and it shall be lawful for the Commissioners or any Divisional 40
 Justice to issue his Warrant to apprehend every such dismissed
 Constable, and to search for and seize to the Use of Her Majesty all
 the

the Clothing, Accoutrements, Appointments, and other Necessaries which shall not be so delivered over wherever the same may be found.

- XLIX. If any Pawnbroker within the District, or Person acting
 5 for him in his Trade or Business or any other Person, shall knowingly buy, receive, or take into Pawn the Clothing, Accoutrements, or Appointments supplied to any Constable, or any Part thereof, every such Pawnbroker or other Person shall be liable for every such Offence to a Penalty not exceeding *Five Pounds*, and shall upon
 10 Demand made by any Superintendent, Inspector, or Sergeant of the said Police Force, forthwith deliver to him the Article or Articles so taken into Pawn without Payment of any Money which may have been lent thereupon, or any Interest therefor.

Penalty on Pawnbroker or other Person wilfully taking such Clothing, &c. into Pawn.

- L. Every Person, not being a Constable, who shall have in his
 15 Possession any Article being Part of the Clothing, Accoutrements, or Appointments supplied to a Constable, and who shall not be able satisfactorily to account for his Possession thereof, or who shall put on the Dress or take the Name, Designation, or Character of a Constable, for the Purpose of thereby obtaining Admission into any
 20 House or other Place, or of doing or procuring to be done any Act which such Person would not be entitled to do or procure to be done of his own Authority, or for any other unlawful Purpose, shall, in addition to any other Punishment to which he may be liable for such Offence, be liable to a Penalty of not more than *Ten Pounds*.

Penalty for unlawful Possession of Accoutrements, or assuming Dress of Constables. 5 Vict. sess. 2. c. 24. s. 4.

- LI. It shall be lawful for any Constable to stop and detain until due Inquiry can be made all Carts and Carriages employed in removing the Furniture of any House or Lodging between the Hours of *Eight* in the Evening and *Six* in the following Morning, or whenever the Constable shall have good Grounds for believing that such
 30 Removal is made for the Purpose of evading the Payment of Rent.

Removing Furniture to evade Rent. 5 Vict. c. 24. s. 30.

- LII. It shall be lawful for any Divisional Justice or Constable to apprehend any Person carrying or conveying any Goods within the Police District, in case it shall appear to such Justice or Constable that there is probable Cause to suspect that such Goods have been
 35 Stolen, or feloniously taken and carried away, and thereupon the said Person so taken, together with such Goods, shall as soon as convenient be conveyed to the Police Court of the Division in which the same shall have been so taken, to be dealt with according to Law; and in all Cases of Felony, Misdemeanour, or other Criminal Offences
 40 arising or committed within the said District, the Persons apprehended shall be brought as immediately as convenient before a Justice of the

Power to arrest Persons carrying stolen Goods. 48 G. 3. c. 140. s. 45.

Division in which such Felony or other Offence shall have been originally committed to be so dealt with.

Constables to
search for
concealed
Arms.
48 G. 3.
c. 140. s. 52.

LIII. It shall be lawful for any Constable thereto duly authorized by the Warrant of any of the Commissioners or Justices, to search all suspected Places in such Warrant mentioned for concealed Arms, 5 and if such Constable shall thereupon find any Gun, Pistol, Sword, Blunderbuss, Pike, Dagger, Hanger, or other Arms, in the Possession of any Person not qualified or entitled by Law to have the same, he shall seize and carry the same to the Police Court of the Division in which such Arms shall be so found, and the Justices of such Division 10 are required to send such Arms so seized to Her Majesty's Arsenal, to be applied to the Use of Her Majesty; and the Person in whose Possession the said Arms shall be so found shall, if required by the Justices, find Sureties for his good Behaviour for any Period not exceeding *Two* Years, or shall be committed to Prison until he shall 15 give such Security; provided always, that no such Warrant shall be granted except on the Information upon the Oath of One or more credible Witnesses that to the best of their Knowledge and Belief such Person is in possession of Arms as aforesaid.

Constables to
break open
Houses to
search for
Traitors,
Felons, &c.
48 G. 3.
c. 140. s. 46.

LIV. It shall be lawful for any Constable duly authorized thereto 20 by the Warrant of the Commissioners or Justices, granted upon Information on Oath, to break open any Dwelling House, Out-house, Shop, Warehouse, Cellar, or other Place named in such Warrant not opened on Demand, after due Notice of such Warrant, in order to search for Traitors or Felons, or Accessories to any Traitors or 25 Felons, or Receivers of Stolen Goods, or to search for any Goods or other Things stolen or feloniously taken or carried away.

Warrant, &c.
may be exe-
cuted out of
District by
any Con-
stable.
5 Vict. sess. 2.
c. 24. s. 48.

LV. Every Distress or Levy Warrant, or Search Warrant, or Warrant to compel the Appearance of any Person, or Warrant for the Apprehension of any Person charged with any Offence, issued by 30 any of the Commissioners or Justices, in respect of any Matter arising within the Police District, or within the Counties of Dublin, Wicklow, Kildare, or Meath, or within any other Place to which the Jurisdiction of the said Commissioners or Justices shall extend, may be served or executed out of the said District by any Constable 35 belonging to the Dublin Police or other Peace Officer to whom the same shall be directed, and shall have the same Force and Effect as if the same had been originally issued or subsequently indorsed by a Justice or Justices of the Peace having Jurisdiction in the Place where the same shall be served or executed; and all Gaolers and 40 Keepers of Prisons are hereby authorized and directed to receive into their Custody such Person, when apprehended or in Custody under

48 G. 3.
c. 140. s. 31.

under or by virtue of such Warrant, and him in safe Custody to keep until transmitted to the said Metropolitan Police District, any Law or Usage to the contrary notwithstanding; and any Person obstructing or hindering such Constables or other Peace Officers in the Execution of any such Warrant shall be liable to the same Pains or Penalties for such Obstruction and Hindrance as if such Offence had been committed within the said District.

LVI. Every Constable shall have all the Powers and Privileges of a Constable upon the River Liffey within or adjoining to the District, or the several Counties of Dublin, Kildare, and Wicklow, and in and on the Harbour of Dublin and Harbour of Kingstown, and the Docks or Creeks adjacent thereto, or within *Ten* Miles thereof; and it shall be lawful for any Constable to take into Custody any Person who, for the Purpose of preventing the Seizure or Discovery of anything belonging to or having been unlawfully obtained from or having been Part of the Cargo of any Ship, Boat, or Vessel lying in the River Liffey, Harbour of Dublin, or Harbour of Kingstown, or the Docks or Creeks adjacent thereto, or within *Ten* Miles thereof respectively, shall wilfully let fall or throw into the said River or any of the said Docks or Creeks, or in any other Manner convey away from any Ship, Boat, or Vessel, Wharf, Quay, or Landing Place, any such Thing, or who shall be accessory to any such Offence, and also to seize and detain any Boat in which such Person shall be found, or out of which any such Thing shall be so let fall, thrown, or conveyed away; and every such Person shall be deemed guilty of a Misdemeanour.

Police to have Power of Constables upon the Liffey, &c., and may take any Person who, to prevent Discovery, shall wilfully let fall any Articles into the River, &c. 5 Vict. sess. 2. c. 24. s. 19.

LVII. Every Superintendent and Inspector shall have Power, by virtue of his Office, to enter at all Times, as well by Night as by Day, with such Constables as he shall think necessary, every Ship, Boat, or other Vessel (not being then actually employed in Her Majesty's Service) lying in the said River, or any of the said Harbours, Docks, and Creeks, and every Part of every such Vessel, for the Purpose of inspecting and upon Occasion directing the Conduct of any Constable who may be stationed on board of any such Vessel, and of inspecting and observing the Conduct of all other Persons who shall be employed on board of any such Vessel in or about the lading or unlading thereof, as the Case may be; and for the Purpose of taking all such Measures as may be necessary for providing against Fire and other Accidents, and preserving Peace and good Order on board of any such Vessel, and for the more effectual Prevention of the Existence of any common Nuisance dangerous or prejudicial to Health, every such Superintendent or Inspector, with such Constables as aforesaid, shall have full Power and Authority to enter every such Ship, Boat, or other Vessel, in order to enforce and carry into effect against the

Superintendents and Inspectors may board Vessels. 5 Vict. c. 24. s. 23.

Owner, Master, or other Person having the Charge of any such Vessel as aforesaid, the Provisions respecting common Nuisances herein-after contained touching such Matters and Things.

Superintendent, &c., having just Cause to suspect Felony, may enter on board Vessels &c. to take up suspected Persons.
5Vict. sess. 2. c. 24. s. 24.

LVIII. It shall be lawful for every Superintendent, Inspector, or Sergeant, having just Cause to suspect that any Felony has been or is about to be committed on board of any Ship, Boat, or other Vessel lying in the said River, or any of the said Harbours, Docks, and Creeks, to enter at all Times, as well by Night as by Day, every such Ship, Boat, or other Vessel, and therein to take all necessary Measures for the effectual Prevention or Detection of all Felonies which he has just Cause to suspect to have been or to be about to be committed in or upon the said River or Harbours, Docks or Creeks, and to take into Custody all Persons suspected of being concerned in such Felonies, and also to take charge of all Property so suspected to be stolen. 15

Power to Police Constables and Persons aggrieved to apprehend certain Offenders, &c.
5Vict. sess. 2. c. 24. s. 29.

LIX. Any Person found committing any Offence punishable either upon Indictment or as a Misdemeanor upon summary Conviction may be taken into Custody without a Warrant by any Constable, or may be apprehended by the Owner of the Property on or with respect to which the Offence was committed, or by his Servant or any Person authorized by him, and may be detained until he can be delivered into the Custody of a Constable, to be dealt with according to Law; and every Constable may also stop, search, and detain any Vessel, Boat, Cart, or Carriage in or upon which there shall be Reason to suspect that anything stolen or unlawfully obtained may be found, and also any Person who may be reasonably suspected of having or conveying in any Manner anything stolen or unlawfully obtained; and any Person to whom any Property shall be offered to be sold, pawned, or delivered, if he shall have reasonable Cause to suspect that any such Offence has been committed with respect to such Property, or that the same or any Part thereof has been stolen or otherwise unlawfully obtained, is hereby authorized, and, if in his Power, is required, to apprehend and detain, and, as soon as may be, to deliver such Offender into the Custody of a Constable, together with such Property, to be dealt with according to Law. 35

Constables may apprehend Offender whose Name and Residence are not known.

5Vict. sess. 2. c. 24. s. 26.

Constables may apprehend Thieves, &c., with-

LX. It shall be lawful for any Constable, and for all Persons whom he shall call to his Assistance, to take into Custody without a Warrant any Persons who, within View of any such Constable, shall offend in any Manner against this Act, and whose Name and Residence shall be unknown to and cannot be ascertained by such Constable. 40

LXI. It shall be lawful for any Constable to take into Custody without a Warrant all loose, idle, and disorderly Persons whom he shall find disturbing the public Peace, or whom he shall have good Cause

Cause to suspect of having committed or being about to commit any out Warrant in certain Cases.
Felony, Misdemeanor, or Breach of the Peace.

LXII. It shall be lawful for any Constable to take into Custody without Warrant any Person who within the District shall be charged
5 by any other Person with committing any aggravated Assault, or with publicly and indecently exposing his Person, in every Case in which such Constable shall have good Reason to believe that such Offence has been committed, although not within View of such Constable, and that by reason of the recent Commission of the Offence a
10 Warrant could not have been obtained for the Apprehension of the Offender.

LXIII. Every Person taken into Custody by any Constable without Warrant, except Persons detained for the mere Purpose of ascertaining their Name or Residence, shall be forthwith delivered into the
15 Custody of the Constable in charge of the nearest Station House, in order that such Person may be secured until he can be brought before a Justice, to be dealt with according to Law, or may give Bail for his Appearance before a Justice, if the Constable in charge shall deem it prudent to take Bail, in the Manner herein-after mentioned.

LXIV. Whenever any Person charged with any Felony, or any Misdemeanor punishable by Transportation, or other grave Misdemeanor, shall be without Warrant in the Custody of the Constable in charge of any Station House during the Time when the Police Courts shall be shut, it shall be lawful for such Constable to require
25 the Persons making such Charge to enter into a Recognizance conditioned as herein-after mentioned, and upon his or her Refusal so to do it shall be lawful for such Constable, if he shall deem it prudent, to discharge from Custody the Person so charged, upon his or her Recognizance, with or without Sureties, conditioned as herein-after
30 mentioned.

LXV. Where any Person charged with any Misdemeanor, or with any Offence of which he is liable to be summarily convicted, shall be without Warrant in the Custody of any Constable in charge of any Station House during the Time when the Police Courts shall be
35 closed, it shall be lawful for such Constable, if he shall deem it prudent, to take Bail by Recognizance, with or without Sureties, conditioned as herein-after mentioned.

LXVI. Every Recognizance so taken as in the last Two preceding Sections mentioned shall be without Fee or Reward, and shall be
40 conditioned for the Appearance of the Person thereby bound before a Justice of the Division in which the Station House shall be situate, at his next Sitting, and the Time and Place of Appearance shall be

specified in the Recognizance, and every such Recognizance shall be of equal Obligation on the Parties entering into the same, and liable to the same Proceedings for the estreating thereof, or otherwise dealing therewith, as if the same had been taken before a Justice; and the Constable shall enter in a Book to be kept for that Purpose 5 in every Station House the Names, Residence, and Occupation of the Party, and his Surety or Sureties, if any, entering into such Recognizance, together with the Condition thereof, and the Sums respectively acknowledged, and shall lay the same before such Justice as shall be present at the Time and Place when and where the Party 10 is required to appear.

Enlarging
Recogni-
zance.

LXVII. If the Party not appearing shall apply by any Person on his Behalf to postpone the Hearing of the Charge, and the Justice shall think fit to consent thereto, the Justice shall be at liberty to enlarge the Recognizance to such further Time as he shall appoint; and when 15 the Matter shall be heard and determined, either by the Dismissal of the Complaint, or by binding the Party over to prosecute or answer (as the Case may be), the Matter thereof at the Sessions or otherwise, the Recognizance for the Appearance of the Party before a Justice shall be discharged without Fee or Reward. 20

Horses,
Carriages,
&c. of Of-
fenders may
be detained.
5 Vict. c. 24.
s. 31.

LXVIII. Whenever any Person having charge of any Horse, Cart, Carriage, Boat, or any other Animal or Thing, shall be taken into the Custody of any Constable under the Provisions of this Act, it shall be lawful for such Constable to take charge of such Horse, Cart, Carriage, or Boat, or such other Animal or Thing, and to 25 deposit the same in some Place of safe Custody, as a Security for Payment of any Penalty to which the Person having had charge thereof may become liable, and for Payment of any Expenses which may have been necessarily incurred for taking charge of and keeping the same. 30

*Police
Courts.*

Lord Lieu-
tenant em-
powered to
establish
Police
Courts
within Dis-
trict.
3 & 4 Vict.
c. 103. s. 1.

LXIX. It shall be lawful for the Lord Lieutenant, by and with the Advice of Her Majesty's Privy Council in Ireland, to establish in the Divisions of the District such Number of Police Courts as shall to the said Lord Lieutenant appear necessary, and from Time to Time to alter the Number or Situation of the Police Courts already 35 established or hereafter to be established, and to discontinue the same or any of them, as Occasion may require; and it shall be lawful for such Lord Lieutenant to direct the regular daily Attendance at the Police Courts of the Justices of the Division or any of them, or of any of the other Justices heretofore appointed or hereafter to be 40 appointed, and to make from Time to Time such Regulations in respect of the Attendance thereat of any of such Justices, and of any

any Officers belonging to any of the Police Courts, as may be deemed expedient.

- LXX. The Proceedings in Cases of indictable Offences and of summary Jurisdiction shall be similar in the Police District to such
 5 Proceedings in the other Parts of Ireland, and so much of Section Forty-one of "The Petty Sessions (Ireland) Act, 1851," as enacts that nothing in the said Act contained shall extend to the Dublin Metropolitan Police District, is hereby repealed; and the said Act, so far as the same is not inconsistent with the Provisions of this Act,
 10 and save Sections One to Eight, both inclusive, shall extend to the said District; and the Forms of Proceedings in the Schedule to the said Act referred to in the Portion thereof so extended shall be adopted, with such Variations as may be expedient for such Proceedings in the said District; and in the Construction of the Portion of the
 15 said Act so extended, unless there be something in the Context or Subject Matter repugnant thereto, the following Words shall have the extended Meaning hereby assigned to them:

Proceedings in Police District to be under 14 & 15 Vict. c. 93.

14 & 15 Vict. c. 93. extended.

Interpretation.

- "Petty Sessions District" shall include the Police District and the respective Divisions thereof;
 20 "County" shall include the Police District;
 "Assizes" shall include the Commission for the County and County of the City of Dublin;
 "Constabulary" shall include the Dublin Police:

- Provided always, that anything by the said Portion so extended of
 25 the said Act authorized or required to be done by any Head or other Constable or Sub-Inspector of Constabulary, may or shall be done by any Constable of the Dublin Police within the Limits of his Jurisdiction: Provided also, that all Warrants issued by the Commissioners or Divisional Justices may be addressed to and executed
 30 by any Constable of the Dublin Police within the Limits of the Jurisdiction of the said Commissioners and Justices respectively: Provided lastly, that all Appeals under the Portion so extended of
 the said Act shall be to the Sessions of the County or City of Dublin, as the Case may be.

Warrants.

Appeals.

- 35 LXXI. The Chief Secretary, or in his Absence the Under Secretary, may from Time to Time make such Rules for regulating the Manner of conducting the Business in the said Courts, and for securing Uniformity therein, as shall appear fit to be made, and shall not be inconsistent with the said "Petty Sessions (Ireland) Act, 1851,"
 40 and may vary or rescind any such Rule, and make others in lieu thereof; and a Copy of every such Rule, signed by the Chief or Under Secretary, shall be sent to each of the said Justices, and to the Chief Clerk of each of the said Courts; and every Rule made for

Chief or Under Secretary may make Rules for Business of Courts. London Police Act. 2 & 3 Vict. c. 71. s. 16.

such Purposes as aforesaid shall be observed by the Justices, Clerks, and Officers of the said Courts, and a Copy of all such Rules shall be laid before both Houses of Parliament within *Six* Weeks next after the Commencement of each Session of Parliament.

No Attorney to practise in Police Courts unless admitted in Superior Courts.

LXXII. No Justice acting at any of such Police Courts shall permit 5
any Person to act as an Attorney or Solicitor in the Prosecution of any Cause, Matter, or Proceeding pending before such Justice, who is not a Solicitor or Attorney of some One of Her Majesty's Courts of Record at Dublin, and duly licensed.

Attorneys may be suspended for Misconduct.

LXXIII. It shall be lawful for any such Justice acting as afore- 10
said to suspend any Solicitor or Attorney from Practice therein for any Period not exceeding *Twelve* Calendar Months, by reason of any Misbehaviour of such Solicitor or Attorney, provided always that every such Suspension shall be by Order in Writing stating the Cause thereof; and every Person so suspended shall be entitled to a Copy 15
of such Order, and shall be at liberty to apply to the Judges of Her Majesty's Court of Queen's Bench in Ireland, or any of them, in order to have such Suspension removed; and such Judges, or any of them, may make such Order on such Petition as to them or him may seem befitting; and if such Judges, or any of them, shall be of opinion 20
that such Suspension was improperly ordered by such Justice they or he shall certify such Opinion on such Order of Suspension, and shall communicate the same to the said Chief or Under Secretary.

Appeal by Petition to Queen's Bench.

Fees.

Fees, &c.
5 Vict.
Sess. 2. c. 24.
s. 69.

LXXIV. Such Fees as are contained in the Schedule (C.) to this Act annexed, and no other or greater Fees, may be taken for any 25
Business done or Proceedings had before or by any of the said Justices, or by any Justice acting in any Police Court within the said Police District, and a Table of such Fees shall be fixed in some conspicuous Part of each of the said Courts, and it shall be lawful for any of the said Justices to refuse to do any Act for which any Fee shall be 30
demandable unless such Fee shall be first paid; and if any such Act shall be done and the Fee due thereon shall not be paid, it shall be lawful for any of the said Justices to summon the Person from whom such Fee shall be due, and to make Order for Payment of the same, with the Costs of the Proceedings, and, in default of Payment, to levy the 35
same, with the Costs of the Distress, by Warrant under his Hand.

Clerks to keep Account of Fees.
48 G. 3.
c. 140. s. 28.
2 & 3 Vict.
c. 71. s. 46.
London.

LXXV. The Justices at each of the said Courts shall take care that One of their Clerks shall, in Books to be provided for that Purpose, keep a full, true, and particular Account of all Fees received thereat, and that such Clerk shall once in every Month deliver unto 40
the Receiver such Account, verified by a solemn Declaration, to be made

made by the Clerk or other Person who shall have heretofore received such Fees, or in any Manner interfered therewith, or who may hereafter be appointed to receive the same, or so to interfere therewith, or in keeping such Accounts respectively, or any Part thereof, and
5 which Declaration shall be made before One of the said Commissioners; and such Clerk or other Person shall pay the Amount of all such Fees to the Receiver without any Delay; and the Receiver shall at all Times have free Access to the said Books of Account.

Justices.

LXXVI. When any Vacancy shall occur in the Office of Justice
10 by Death, Resignation, Removal, or otherwise, the same, if necessary, shall be filled up by the Lord Lieutenant; and any Person who may hereafter be appointed to supply such Vacancy shall be a Barrister, who shall have practised as such during at least Six Years then last past.

Justices hereafter to be appointed shall be Barristers. 48 G. 3. c. 140. s. 14. 5 Vict. c. 24. s. 46.

LXXVII. No Barrister who at present is or shall hereafter be
15 appointed a Justice of the said District shall during his Continuance in the said Office practise as a Barrister in any Manner whatever, or act in any Manner whatsoever for Profit or Emolument so as to interfere with or interrupt him in the due Discharge of the Duties of his said Office, contrary to the true Intent and Meaning of this Act;
20 and if any such Barrister shall offend herein it shall be lawful for the said Lord Lieutenant either to remove him altogether from the said Office, or to direct that he be suspended from the Performance of the Duties thereof for such Period as the said Lord Lieutenant shall think fit.

Proviso against practising, &c.

LXXVIII. Every such Justice shall, before he shall begin to
25 execute the Duties of his Office, take and subscribe, before some Justice or Baron of One of Her Majesty's Superior Courts of Record at Dublin, such Oath of Office as is or shall be by Law required to be taken by the Justices of the Peace in Ireland, and thereupon shall,
30 to all Intents and Purposes, be a Justice of the Peace within every Part of the said Police District of Dublin Metropolis, and shall also be a Justice of the Peace within and for the Counties of Dublin, Wicklow, Kildare, and Meath.

Justices to take Oaths of and be Justices in District and Counties adjoining.

LXXIX. Whenever the Number of Police Divisions in the said
35 District shall be reduced below *Three*, it shall and may be lawful for the said Lord Lieutenant to select from and out of the Justices then acting as such so many as may be required to discharge the Duties of the Police Courts therein, and to supersede any other of the said Justices whose Services may not be required, and in like Manner to
40 supersede any Clerk or Clerks previously attached to any such Courts.

When Divisions reduced below *Three*, Justices, &c. may be superseded by Lord Lieutenant. 1 Vict. c. 25. s. 14.

Salaries of
Justices.

LXXX. So soon as the Justices now holding Office or hereafter to be appointed shall be reduced to any Number under *Six*, the Salaries of such Justices shall be increased from the present Salary of Six hundred Pounds to such Sum by the Year as the Lord Lieutenant shall, with the Sanction of the Commissioners of the Treasury, direct, not exceeding *Eight hundred Pounds*, to be charged on the Funds applicable to the Maintenance of the Police: Provided always, that the Compensation or Allowances of any such Justices who shall retire or be superseded or removed within *One Year* from the passing of this Act shall be calculated on the Amount of the Salaries of such Justices at the Time of the passing of this Act. 10

In case of
Death or
Absence of
Justice.
5 Vict.
Sess. 2. c. 24.
s. 73.

LXXXI. If any of the Justices before whom any Information shall be exhibited, or other Proceeding had, prosecuted, or continued, shall die, or be absent, pending such Information or Proceeding, or before the same shall be finally disposed of, it shall be lawful for any other of the Justices to entertain, hear, determine, and dispose of such Information and Proceeding, and to do all Acts in relation thereto in like Manner, and with the like Powers and Authority, for all Intents and Purposes, as if such Information had been originally exhibited or Proceeding had or taken before such last-mentioned Justice or Justices respectively. 15 20

One Justice
may do any
Act directed
to be done
by more
than One
Justice.
5 Vict.
Sess. 2. c. 24.
s. 47.

LXXXII. It shall be lawful for any One Justice to sign or execute any Warrant or other Instrument, or to do alone, at any of the said Police Courts, or at any Place where for any special Purpose he may, by Warrant under the Hand of the said Chief or Under Secretary, be directed to attend, and to act singly, any Act which by any Law now in force, or by any Law not containing an express Enactment to the contrary hereafter to be made, is or shall be directed to be signed, executed, or done by more than One Justice. 25 30

No Justice
for County
or City of
Dublin to
act in hold-
ing Petty
Sessions or
summarily
within Dis-
trict.
48 G. 3.
c. 140. s. 27.
2 & 3 Vict.
c. 71. s. 42.
London.)

LXXXIII. No Justice of the Peace for the County of Dublin or for the County of the City of Dublin shall act as such in the holding of any Court of Petty Sessions, or in the issuing or granting of any Summons or Warrant, or in the Hearing and Adjudication of any Complaint, Cause, or Matter to be heard and determined summarily within the District; but all such Summonses and Warrants shall be granted, and all such Complaints, Causes, and Matters shall be heard and determined, only at One of the Police Courts by One or more of the said Police Justices, and not elsewhere or otherwise: Provided always, that nothing in this Section contained shall apply to any Person constituted by Law or under any Act of Parliament a Justice by virtue of his Office. 35 40

LXXXIV. No

- LXXXIV. No Person charged within the Police District with having committed any High Treason shall be admitted to give Evidence for the Crown against any Accomplice without the previous Consent in Writing of Her Majesty's Attorney General, or in his
5 Absence, or in the Vacancy of the said Office, without such Consent of Her Majesty's Solicitor General or of some other Person duly authorized to give such Consent; and any Justice offending herein shall forfeit the Sum of *One hundred Pounds*, to be recovered by Civil Bill in the proper Jurisdiction.
- No Person charged with High Treason shall be admitted Approver without Consent of Attorney or Solicitor General.
48 Geo. 3. c. 140. s. 35.
- 10 LXXXV. All Powers, except where herein-before otherwise provided, now in force, and vested in the Divisional Justices under the Acts of the Parliament of Ireland of the Thirty-fifth Year of His Majesty King George the Third, Chapter Thirty-six, and the
15 Thirty-sixth Year of the Reign of His said Majesty, Chapter Thirty, or any other Act or Acts, shall, in every Case relating to the Business of a Pawnbroker, continue to be vested in the Police Justices.
- Power of Justices under 35 & 36 Geo. 3. to vest in Divisional Justices.
48 Geo. 3. c. 140. s. 70.
- LXXXVI. Whenever any Dispute between any Pawnbroker and Borrower concerning any Pawn shall be determined by any Justice,
20 and any Money shall be awarded to be paid, it shall be lawful, in case of Nonpayment, for such Justice, by Warrant under his Hand and Seal, to cause the Money awarded to be levied by Distress and Sale of the Goods of the Person who shall be ordered to pay, and for Want of sufficient Goods it shall be lawful for such Justice, by
25 like Warrant, to commit such Person to the Common Gaol for any Period not exceeding *Two* Calendar Months, or until such Sum shall be sooner paid.
- Justice may determine between Pawn-brokers and Borrowers, and levy Award.
5 Geo. 4. c. 102. s. 22.
- LXXXVII. All Differences which shall happen between any Bargemen, Lightermen, Watermen, Ballastmen, Coalwhippers, Coal-
30 porters, Sailors, Lumpers, Riggers, Shipwrights, Caulkers, or other Labourers who work for Hire in or upon the River Liffey or Harbour of Kingstown, or the Docks, Creeks, Wharfs, Quays, or Places adjacent, and the Owners, Masters, or Commanders of Vessels, or their Agents, on the said River or Harbour, or the Docks or Creeks
35 thereunto adjoining, or the Owners, Wharfingers, or Occupiers of such Wharfs or Quays, or their Agents, or other Employers, respecting Wages or Money due to such Labourers for Work or Loss of Time, whether the same Persons be employed for any certain Time or in any other Manner, may be heard and determined by any
40 of the said Justices; and every such Justice is hereby empowered to make such Order for Payment of so much Wages or Money to such Labourer as to the Justice shall seem just, provided that the Sum
- Disputes between Watermen and others to be settled by a Justice.
5 Vict. Sess. 2. c. 24. s. 65.

ordered do not exceed *Five Pounds*, besides all reasonable Costs attending the Prosecution of the Complaint.

Justices may award reasonable Compensation for Hurt or Damage. 5 Vict. c. 24. s. 25.

LXXXVIII. Every Person who, by committing any Offence in this Act forbidden within the Police District, shall have caused any Hurt or Damage to any Person or Property, may be apprehended, 5 with or without any Warrant, by any Constable; and if he shall not, upon Demand, make Amends for such Hurt or Damage to the Satisfaction of the Persons aggrieved, he shall be detained by the Constable, in order to be taken before a Justice, and upon Conviction shall pay, in addition to any Penalty to which he may be liable, such 10 a Sum not exceeding *Ten Pounds* as shall appear to the Justice before whom he shall be convicted to be reasonable Amends to the Person aggrieved, besides any Penalty to which he may be liable for the Offence.

Power to lessen Shares of Penalties to Informers. 5 Vict. Sess. 2. c. 24. s. 62.

LXXXIX. Where by any Act now in force or hereafter to be 15 passed a Moiety or other fixed Portion of the Penalty or Penalties thereby imposed is or shall be directed to be paid to the Informer, not being the Party aggrieved, it shall be lawful for any Justice before whom the Conviction shall be had to adjudge that no Part or such Part only of the Penalty as he shall think fit shall be paid to 20 the Informer.

Power to mitigate Penalties. 5 Vict. c. 24. s. 63.

XC. Where by any Act now in force or hereafter to be passed a limited Penalty or Term of Imprisonment is imposed on Conviction of an Offender before a Justice or Justices of the Peace, it shall be lawful for any Police Justice before whom such Conviction shall be 25 had to reduce or lessen such Penalty or Term of Imprisonment in such Manner as he may think fit: Provided always, that such Reduction be made in open Court and not otherwise, and that no Penalty for the Infringement of any Act relating to the Revenue of Customs or Excise, Stamps or Taxes, or to Her Majesty's Post 30 Office, shall be reduced by any such Justice below the Amount of Proportion allowed in that Behalf by the Act specially relating thereunto, without the Consent of the Commissioners of Her Majesty's Inland Revenue, or the Commissioners of Her Majesty's Customs, 35 or Her Majesty's Postmaster General respectively, according as the Matter of the said Conviction may refer to the Customs, Inland Revenue, or Post Office.

Proviso as to Revenue Acts.

Warrant for Apprehension may be issued without Summons, &c. 5 Vict. Sess. 2. c. 24. s. 51.

XCI. Every Justice may, without issuing any Summons, forthwith issue his Warrant for the Apprehension of any Person charged with any Offence cognizable before him, whenever good Grounds for 40 so doing shall be stated on Oath before him.

XCII. The

XCII. The Provisions now in force of an Act passed in the Twelfth Year of Her present Majesty, Chapter Sixteen, for the Protection of Justices who shall have granted Warrants in respect of Poor Rates, shall be construed to extend and be applicable to all Warrants issued by any Police Justice in respect of any Rate, Tax, or Assessment, by this or any other Act recoverable before such Justice.

12 Vict. c. 16.
for Protec-
tion of
Justices
extended.

XCIII. No Commissioner or Justice shall be compellable to act as Justice of the Peace out of the Police District upon any Information tendered or offered to be sworn, where the Offence charged shall not amount to Treason or Felony; and in all Cases in which any Person shall be apprehended within the District, charged with Treason or Felony committed beyond the Limits of the District, the Commissioner or Justice before whom such Person shall be brought shall inquire into such Evidence and Things relating thereto as shall be then offered, and thereupon take such Informations (if any) as may appear requisite touching the same; but if it shall appear to the said Commissioner or Justice that the Evidence so produced is insufficient to sustain the Charge so made, then the said Commissioner or Justice shall dismiss the same, and discharge such Party, or, in the Discretion of such Justice, commit him to Her Majesty's Gaol of Kilmainham, there to be detained until he shall be transmitted according to Law to the County, District, or Place where such Treason or Felony shall have originated, to be there further and finally disposed of.

*Informa-
tions.*

Justices not
compellable
to act out of
District, or
in Offences
not being
Treason or
Felony.
5 Geo. 4.
c. 102. s. 11.

Power to
commit to
Kilmainham
Persons
charged with
Offences be-
yond Dis-
trict.

XCIV. In every Case in which any Information or Complaint of any Offence shall be made before any Justice, and shall not be further prosecuted, or in which, if further prosecuted, it shall appear to the Justice by whom the Case shall be heard that there was no sufficient Ground for making the Charge, the Justice shall have Power to award such Amends, not more than the Sum of *Five Pounds*, to be paid by the Informer to the Party informed or complained against, for his Loss of Time and Expenses in the Matter, as to the Justices shall seem meet.

Amends may
be awarded
for frivolous
Informa-
tions.
5 Vict.
Sess. 2. c. 24.
s. 60.

XCv. All Offences committed within the Limits of the Police District, which under this or any other Act are punishable on summary Conviction, may be heard and determined by any Police Justice sitting at One of the Police Courts, or at any Place within such District where any such Justice may be directed to attend, by Warrant of the Chief or Under Secretary, as herein-before provided.

Proceedings
on Informa-
tion before
Justices.
5 Vict.
Sess. 2. c. 24.
s. 70.

Penalties for
compound-
ing Informa-
tions.
5 Vict.
Sess. 2. c. 24.
s. 61.

XCVI. In case any Person shall lodge any Information before any Justice for any Offence alleged to have been committed, by which he was not personally aggrieved, and shall afterwards directly or indirectly receive, without the Permission of One of the said Justices, any Sum of Money or other Rewards for compounding, delay- 5
ing, or withdrawing the Information, such Informant shall be liable to a Penalty not exceeding *Ten Pounds*.

Revenue In-
formations
may be
withdrawn
without Pre-
judice at any
Time before
Witness
sworn.

XCVII. Any Charge, Information, or Complaint made or preferred before any Justice in respect of any alleged Breach of the Laws regulating Her Majesty's Inland Revenue, Customs, or Post 10
Office, may be withdrawn by the Person preferring, exhibiting, or making such Charge, Information, or Complaint, at any Time previous to the Hearing thereof, without such Withdrawal being any Bar or Impediment to preferring any other Suit, Information, or Proceeding whatsoever, in the same or any other Court, in reference 15
to such alleged Breach of such Laws, but in all such Cases it shall not be lawful to withdraw the same after any Witness in support of such Charge, Information, or Complaint has been sworn at the Instance of the Person preferring, exhibiting, or making such Charge, Information, or Complaint. 20

Exceptions
as to Re-
venue Cases.

XCVIII. Nothing in this Act contained, except the Provision empowering any Justice to hear and determine Offences now punish-
able on summary Conviction, and the Power herein given to the Lord Lieutenant to direct any Offence or Offences to be heard and deter-
mined at any One Police Court or at certain Police Courts in the 25
District, and the Enactments herein contained respecting the Admission of Approvers to give Evidence against their Accomplices, shall extend or be deemed to extend to affect or alter any Proceedings before Justices of the Peace for the Recovery or Condemnation of any Penalties or Forfeitures incurred under any Act or Acts relating to 30
the Inland Revenue of Her Majesty or to Her Majesty's Customs or Post Office.

Act not to
affect (ex-
cept in cer-
tain Cases)
Proceedings
in Informa-
tions under
Revenue or
Stamp Acts.
5 Vict. c. 24.
s. 78.

XCIX. Nothing in this Act contained, except the Provision empowering any Justice to hear and determine Offences now punish-
able on summary Conviction, shall affect or alter any Proceedings 35
before Justices of the Peace for the Recovery or Condemnation of any Penalties or Forfeitures incurred under any Act or Acts relating to the Revenue of Customs or Excise or Stamps, or to any Act or Thing done by any Officer of Customs or Excise or Stamps, but that all such Penalties and Forfeitures shall, except as aforesaid, 40
be sued for, recovered, mitigated, and applied under the Enact-
ments

ments and Provisions of the several Acts relating to the said Revenues respectively.

- C. Whosoever shall keep or use or act in the Management of any House, Room, Pit, or other Place within the District, for the Purpose of Prize Fighting, or of fighting or baiting Lions, Bears, Wolves, Badgers, Cocks, Dogs, or other such Animals, shall be liable to a Penalty of not more than *Five Pounds*, or, in the Discretion of the Justice, may be committed to the Common Gaol, with or without Hard Labour, for a Time not more than *One Calendar Month*, and such Justice may order such Animal, if the same shall be of a ferocious Nature, to be forthwith destroyed; and it shall be lawful for the Commissioners by Warrant in Writing to authorize any Superintendent, with such Constables as he shall think necessary, to enter any Premises kept or used for any of the Purposes aforesaid, and take into Custody all Persons who shall be found therein without lawful Excuse, and every Person so found shall be liable to a Penalty of not more than *Forty Shillings*; and a Conviction of any Offence in this Section mentioned shall not exempt the Owner, Keeper, or Manager of any such House, Room, Pit, or Place from any Penalty or penal Consequences to which he may be liable for the Nuisance thereby occasioned.

Offences.

For preventing the keeping of Places for Bear Baiting, Cock Fighting, &c.
6 Vict. c. 24.
s. 8.

- CI. No Shop, Room, Cellar, or Place of public Resort, where ready-made Coffee, Tea, or other Liquors are sold or consumed, within the District, shall be kept open after the Hour of Eleven at Night during any Part of the Year, nor open before the Hour of *Four* in the Morning between Ladyday and Michaelmas, or before *Five* in the Morning between Michaelmas and Ladyday; and no Shop, Room, Cellar, or Place of public Resort, where any Refreshments or any Liquors not subject to any Duties of Customs or Excise are consumed, within the District, shall be kept open after the Hour of *One* in the Morning, or before the Hour of *Five* in the Morning; and if any such Shop, Room, Cellar, or Place shall be open within the Hours hereinbefore respectively prohibited, or being shut up, if any Person shall during those Hours respectively be found therein, except the Persons actually dwelling there, or having lawful Excuse for being there, or if Gaming shall be at any Time permitted or suffered therein, then the Master, Mistress, Waiter, or other Person having the Care, Government, or Management of such Shop, Room, Cellar, or Place, whether he or she be the real Owner or Keeper thereof or not, shall forfeit and pay any Sum not exceeding *Five Pounds*, upon Conviction of any such Offence before any Justice, or, at the Discretion of the said Justice, shall and may be imprisoned and kept to Hard Labour in the Common Gaol for any Space of Time not exceeding *One Month*: Pro-

Regulations as to Coffee-shops or Cellars, &c.
1 Vict. c. 25.
s. 21.

Penalty for offending herein.

Proviso.

vided always, that nothing herein contained shall apply to or affect any House duly licensed for the Sale of Wines and Spirituous Liquors; and that no such Conviction shall exempt the Owner, Keeper, or Manager of any such Shop, Room, Cellar, or Place from any Penalty or penal Consequence whereto he or she may be liable for keeping a disorderly House. 5

Regulations
respecting
Public
Houses to
extend to
other Houses
of public
Resort.
London Po-
lice Act.
2 & 3 Vict.
c. 47. s. 44.
5 Vict.
Sess. 2. c. 24.
s. 7.

CII. Whosoever shall have or keep any House, Shop, Room, or Place of public Resort within the District wherein Provisions, Liquors, or Refreshments of any kind shall be sold or consumed (whether the same shall be kept or retailed therein or procured elsewhere), and who shall wilfully or knowingly permit Drunkenness or other disorderly Conduct in such House, Shop, Room, or Place, or knowingly suffer any unlawful Games or any Gaming whatsoever therein, or knowingly permit or suffer Prostitutes or Persons of notoriously bad Character to meet together and remain therein, shall for every such Offence be liable to a Penalty of not more than *Five Pounds*: Provided always, that if the Offender be a Licensed Victualler, or licensed to sell Beer by retail to be drunk on the Premises, this Enactment shall not be construed to exempt him from the Penalties or penal Consequences to which he may be liable for committing an Offence against the Tenor of the Licence to him granted. 10 15 20

Booths, &c.
not to be
erected ex-
cept in law-
ful Fairs, &c.

CIII. Whosoever, with Intent to exercise any Trade or Calling, shall set up or place, or begin or prepare to set up or place, any Booth, Stall, Tent, or other temporary Erection, or bring any Travelling Show, Van, or other such moveable Exhibition in or to any Place within the said Police District, not being a bonâ fide Race-course or lawful and established Fair or Market regularly and properly held, and who shall decline or neglect to remove the same when thereunto requested by any Constable, or who shall assist or be present at or take any Part in holding any unlawful Fair or Market at any such Place, and who shall not leave the same on being requested by any Constable, may be forthwith taken into Custody by any Constable, and shall be liable, on Conviction by any Justice of any such Offence, to a Penalty not exceeding *Ten Pounds*, and on such Refusal or Neglect any Constable may take down or remove any such Booth, Stall, Tent, Travelling Show, Van, or Exhibition; and any Person who, without lawful Authority in that Behalf, shall hold or permit to be held on any Ground, the Property of such Person, any Fair or Market, shall be liable, on Conviction thereof by any Justice, to a Penalty of *Fifty Pounds*. 25 30 35 40

Fairs within
the District
may be in-

CIV. If it shall appear to the Commissioners that any Fair has been held within the District without lawful Authority, or that any Fair

- Fair lawfully held within the District has been held for a longer Period than is so warranted, it shall be lawful for the Commissioners to summon the Owner or Occupier of the Ground upon which such Fair has been held to appear before a Justice at a Time and Place
- 5 specified in the Summons, not less than *Eight* Days after the Service of the Summons, to show his Right and Title to hold such Fair, or to hold such Fair beyond a given Period (as the Case may be); and if such Owner or Occupier shall not attend in pursuance of such Summons, or shall not show to the Justice who shall hear the Case
- 10 sufficient Cause to believe that such Fair has been lawfully held for the whole Period during which the same has been usually held, the Justice shall declare in Writing such Fair to be unlawful, either altogether or beyond a stated Period (as the Case may be); and the Commissioners shall give Notice of such Declaration by causing
- 15 Copies thereof to be affixed on the Parish Church and on other public Places in and near the Ground where such Fair has been usually held; and if, after such Notices have been affixed for the Space of *Six* Days, any Attempt shall be made to hold such Fair if it shall be declared altogether unlawful, or to hold it beyond the prescribed
- 20 Period if it shall be declared unlawful beyond a certain Period, the Commissioners may direct any Constable to remove every Booth, Standing, and Tent, and every Vehicle, of whatsoever Kind, conveyed to or being upon the Ground for the Purpose of holding or continuing such Fair, and to take into Custody every Person erecting, pitching,
- 25 or fixing, or assisting to erect, pitch, or fix, any such Booth, Standing, or Tent, and every Person driving, accompanying, or conveyed in every such Carriage, and every Person resorting to such Ground with any Show or Instrument of Gambling or Amusement; and whosoever shall be guilty of any of the Offences in this Section men-
- 30 tioned shall be liable to a Penalty not exceeding *Ten Pounds* for every such Offence.

quired into, and if de-
clared un-
lawful,
Booths, &c.
may be re-
moved.
2 & 3 Vict.
c. 47. s. 39.
London
Police Act.

- CV. Every Person licensed to deal in exciseable Liquors within the District who shall knowingly supply any Sort of distilled excise-
able Liquor to any Boy or Girl apparently under the Age of *Sixteen*
- 35 Years, to be drunk upon the Premises, shall be liable to a Penalty not more than *Twenty Shillings*, and upon Conviction of a Second Offence shall be liable to a Penalty not more than *Forty Shillings*, and upon Conviction of a Third Offence shall be liable to a Penalty of not more than *Five Pounds*.

Publicans
prohibited
from supply-
ing Liquors
to Persons
under Six-
teen Years
of Age.
London
Police Act.
2 & 3 Vict.
c. 47. s. 43.
5 Vict. c. 24.
s. 6.

- 40 CVI. Whosoever shall obtain any Sum of Money or other Reward from any Person by threatening, directly or indirectly, to lodge any Information or make any Complaint before any Justice for any Misdemeanor, or as an Inducement for forbearing to lay such In-

Penalty for
obtaining
Money by
threatening
Information.

London
Police Act.
3 & 4 Vict.
c. 84. s. 11.

formation or make such Complaint, shall, on Conviction of the Offence before any Justice, be liable to a Penalty of not more than *Ten Pounds*, or to be imprisoned for any Term not exceeding *Six Months*.

Money found
with Va-
grants and
Beggars how
to be dis-
posed of.

CVII. Every Person wandering abroad, or placing himself in any public Place, Street, Highway, Court, or Passage within the said District, to beg or gather Alms, or causing or encouraging any Child to do so, may, without Warrant, be arrested by any Constable, and upon being convicted of any such Offence before any Justice be committed to the Common Gaol, with or without Hard Labour, for any Time not exceeding *One Calendar Month*; and it shall be lawful for the Justice before whom any Person shall be so convicted to order that any Money found on the Person of such Vagrant or Beggar shall be handed to the Board of Superintendence of the Gaol in which such Beggar or Vagrant shall be confined, and that such Money, or so much of it as shall be sufficient for the Purpose, shall be appropriated to the Subsistence of such Vagrant or Beggar during such Imprisonment, returning the Residue (if any) to such Beggar or Vagrant on his Discharge. 5 10 15

Impostors
obtaining or
soliciting
Money by
fabricated
Declarations
or State-
ments may
be dealt with
summarily.

CVIII. If any Person in the said District shall, with Intent to defraud any other Person, wilfully forge or counterfeit the Signature of any other Person, or sign any false Name to any pretended Subscription List purporting to be for a charitable Purpose, or assume any false Name, or knowingly have in his Possession any such Subscription List, or any Document with any forged or false Signature thereto, or wilfully publish any such Subscription List or Document, or any false Statements of pretended Disasters and Calamities, or make use of any false Pretence or false Representation whatsoever, with Intent fraudulently to procure any Sum of Money or other Thing, or by such Means shall obtain any Money or other Thing, such Person so offending, and being thereof convicted before any Justice at any of the said Police Courts, shall be liable to pay a Penalty not exceeding *Five Pounds*, or, in the Discretion of the said Justice, be imprisoned in the Common Gaol, with or without Hard Labour, for any Term not exceeding *Three Calendar Months*. 20 25 30 35

Framing a
false Bill of
Parcels a
Misdemeanor.

5 Vict.
Sess. 2. c. 24.
s. 5.

CIX. Any Person who shall commit any of the next following Offences within the said District, shall on Conviction thereof, be deemed guilty of a Misdemeanor; (that is to say,)

Every Person who, for the Purpose of protecting or preventing anything whatsoever from being seized within the Police District, on Suspicion of its being stolen or otherwise unlawfully obtained,

or

or of preventing the same from being produced or used as Evidence concerning any Felony or Misdemeanor committed or supposed to be committed within the Police District, shall frame or cause to be framed any Bill of Parcels containing any false Statement in regard to the Name or Abode of any alleged Vendor, the Quantity or Quality of any such Thing, the Place whence or the Conveyance by which the same was furnished, the Price agreed upon or charged for the same, or any other Particular, knowing such Statement to be false, or who shall fraudulently produce such Bill of Parcels knowing the same to have been fraudulently framed :

Every Person who shall unlawfully cut, damage, or destroy any of the Ropes, Cables, Cordage, Tackle, Headfasts, or other the Furniture of or belonging to any Ship, Boat, or Vessel lying in the River Liffey, Harbour of Dublin, or Harbour of Kingstown, or in any of the Docks or Creeks adjacent thereto respectively, with Intent to steal or otherwise unlawfully obtain the same or any Part thereof :

Cutting Ropes, Cables, &c.
5 Vict.
Sess. 2. c. 24.
s. 18.

Every Person who shall be found within the Police District in or upon any Canal, Dock, Warehouse, Wharf, Quay, or Bank, or on board any Ship or Vessel, having in his Possession any Tube or other Instrument for the Purpose of unlawfully obtaining any Wine, Spirits, or other Liquors, or having in his or her Possession any Skin, Bladder, or other Material or Utensil for the Purpose of unlawfully using, secreting, or carrying away any such Wine, Spirits, or other Liquors, and any Person who shall attempt unlawfully to obtain any such Wine, Spirits, or other Liquor :

Possessing Instruments for unlawfully carrying away Wine, &c.
5 Vict.
Sess. 2. c. 24.
s. 20.

Every Person who shall within the Police District bore, pierce, break, cut open, or otherwise injure any Cask, Box, or Package containing Wine, Spirits, or other Liquors, on board any Ship, Boat, or Vessel, or in or upon any Warehouse, Wharf, Quay, or Bank, with Intent feloniously to steal or otherwise unlawfully obtain any Part of the Contents thereof, or who shall unlawfully drink, or wilfully spill, or allow to run waste, any Part of the Contents thereof :

Piercing Casks, opening Packages, &c.
5 Vict.
Sess. 2. c. 24.
s. 21.

Every Person who shall within the Police District wilfully cause to be broken, pierced, started, cut, torn, or otherwise injured, any Cask, Chest, Bag, or other Package containing or prepared for containing any Goods while on board of any Barge, Lighter, or other Craft lying in the said River, or either of the said Harbours, or any Dock, Creek, Quay, Wharf, or Landing Place adjacent to the same, or in the Way to or from any Warehouse, with Intent that the Contents of such Package or any Part thereof may be spilled or dropped from such Package.

Breaking Casks, &c., with Intent to spill Contents.
5 Vict.
Sess. 2. c. 24.
s. 22.

Aggravated
Assaults on
Females, &c.
Act 16 & 17
Vict. c. 30.
s. 1. extend-
ed to this
Act.

CX. Section One of the Act of the Sixteenth and Seventeenth Years of Her Majesty, Chapter Thirty, is hereby extended to the said Police District, anything in Section Ten of the said Act to the contrary notwithstanding; and the Word "Metropolis" in the said Section One shall be held to mean the said Police District.

5

Clauses of
10 & 11 Vict.
c. 89. incor-
porated.

CXI. The Clauses of "The Town Police Clauses Act, 1847," with respect to "Obstructions and Nuisances in the Streets," "Fires," "Places of public Resort," and "Public Bathing," shall be incorporated with and form Part of this Act.

Assaulting
Constables.
6 & 7 W. 4.
c. 29. s. 9.
14 & 15 Vict.
c. 92. s. 2.

CXII. Whosoever shall unlawfully assault or resist any Constable or other Person belonging to the said Police Force in the Execution of his Duty, or shall aid or incite any Person so to assault or resist any such Constable or other Person, shall be liable to a Fine not exceeding the Sum of *Five Pounds*, or to be imprisoned for a Term not exceeding *Three Months*.

15

Persons
found un-
dressing in
an exposed
Place may
be arrested
without War-
rant, and
fined or com-
mitted.

CXIII. It shall be lawful for any Constable to arrest without Warrant any Person who shall be found undressing in a Place exposed to public View within the Distance of *Two* hundred Yards of any public Thoroughfare or inhabited House within the said District, after the Hour of *Eight* o'Clock in the Forenoon of any Day, or before the Hour of *Six* o'Clock in the Afternoon, within the View of Persons passing or repassing, residing or inhabiting, or who shall swim or wade, or, in any Boat or other Vessel, sail or row, within the Space of *Two* hundred Yards of any Part of the Sea in the said District which shall be frequented or made use of by Females for the Purpose of Bathing, with Intent to insult, disturb, or annoy such Females; and every such Person shall be liable to a Penalty of not more than *Ten Shillings* for every such Offence, or, if the Justice convicting shall think fit, instead of inflicting any pecuniary Penalty, may be committed to the Common Gaol for any Time not more than *Seven Days*.

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Offenders
may be either
indicted or
convicted
summarily.
5 Vict.
Sess. 2. c. 24.
s. 37.

CXIV. Nothing herein contained shall be construed to prevent any Person from being indicted for any indictable Offence made punishable on summary Conviction by this Act, or to relieve any Person from being liable, under any other Act or Acts, to any other or higher Penalty or Punishment than is provided for such Offence by this Act, so as (nevertheless) that no Person be punished twice for the same Offence.

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Penalty on
false Oaths.
48 Geo. 3.
c. 140. s. 124.

CXV. If any Person who shall take any Oath in pursuance of this Act shall wilfully swear falsely therein, and shall be thereof lawfully convicted, any such Person so offending shall for any such Offence incur

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incur and suffer such Penalties, Pains, and Disabilities as Persons convicted of wilful and corrupt Perjury are or shall be liable to by any Law then in force in Ireland; and if any Person shall procure or suborn any other Person to take such false Oath and shall be thereof
 5 convicted (whether the Person having taken such false Oath shall be previously convicted or not), any such Person so procuring or suborning shall, for every such Offence, incur and suffer such Penalties, Forfeitures, Pains, and Disabilities as Persons convicted of Subornation of Perjury are or shall be liable to by any Law then in
 10 force in Ireland.

CXVI. For every Misdemeanor or other Offence against this Act for which no special Penalty is appointed, the Offender shall, at the Discretion of the Justice before whom the Conviction shall take place, either be liable to a Penalty of not more than *Five Pounds*, or
 15 be imprisoned for any Time not more than *One Calendar Month* in any Gaol within the Police District.

Offences for which no Penalty is appointed.
 5 Vict. Sess. 2. c. 24. s. 36.

CXVII. Whosoever within the said District shall have in his Possession any Goods, and after receiving a Notice of such Goods being stolen, with a Description thereof, shall wilfully omit or refuse
 20 to make Discovery to the Justices of the Division in which such Person shall reside of so having the same, and of the Person or Persons from whom such Person received them, or shall, on being duly required by Notice in Writing, signed by any Justice, neglect or omit to attend at the Police Court at such Time as shall be
 25 mentioned in such Notice, or refuse to be examined concerning the same, or upon Requisition made by any of the Constables to produce such Goods shall omit or refuse so to do, shall, upon being convicted of any Offence in this Section mentioned, forfeit a Sum not exceeding *Twenty Pounds* and the Value of such Goods; and if such Person
 30 shall be unable to pay such Penalty, he shall be committed to the Common Gaol for any Time not exceeding *Six Months*.

Stolen Goods.
 Persons having stolen Goods to produce them on notice, and state from whom received.
 48 G. 3. c. 140. s. 51.

CXVIII. When any Person shall be brought before any Justice charged with having anything stolen or unlawfully obtained, and shall declare that he received the same from some other Person, or that he
 35 was employed as a Carrier, Agent, or Servant to convey the same for some other Person, such Justice is hereby authorized and required to cause every such Person, and also, if necessary, every former or pretended Purchaser, or other Person through whose Possession the same shall be alleged to have passed, to be brought before him and
 40 examined, and to examine Witnesses upon Oath touching the same; and if it shall appear to such Justice that any Person shall have had Possession of such Thing, and had reasonable Cause to believe the

Party by whom stolen Goods are received to be examined by Justice.
 5 Vict. Sess. 2. c. 24. s. 55.

same to have been stolen or unlawfully obtained, every such Person shall be deemed guilty of a Misdemeanor, and shall be liable to a Penalty of not less than *Five Pounds*, or, in the Discretion of the Justice, may be imprisoned, with or without Hard Labour, for any Time not exceeding *Three Calendar Months*. 5

Persons
convicted of
having or
conveying
stolen Goods
liable to
Penalty or
Imprison-
ment.
5 Vict.
Sess. 2. c. 24.
s. 53.

CXIX. Every Person who shall be brought before any of the Justices charged with having in his Possession or on his Premises, with his Knowledge, or conveying in any Manner anything which may be reasonably suspected of being stolen or unlawfully obtained, and who shall not give an Account to the Satisfaction of such Justice 10 how he came by the same, shall be deemed guilty of a Misdemeanor, and, on Conviction thereof, shall be liable to a Penalty of not more than *Five Pounds*, or, in the Discretion of the Justice, may be imprisoned, with or without Hard Labour, for any Time not exceeding *Three Calendar Months*. 15

Power to
order De-
livery of
stolen Goods
to Owner.
5 Vict.
Sess. 2. c. 24.
s. 56.

CXX. If any Goods shall be stolen or unlawfully obtained from any Person, or, being lawfully obtained, shall be unlawfully deposited, pawned, pledged, sold, or exchanged, and Complaint shall be made thereof to any of the Justices, and that such Goods are in the Possession of any Broker, Dealer in Marine Stores, or other Dealer in Second-hand 20 Property, or of any Person who shall have advanced Money upon the Credit of such Goods within the Police District, it shall be lawful for such Justice to issue a Summons or Warrant for the Appearance of such Broker or Dealer, and for the Production of the Goods, and to order such Goods to be delivered up to the Owner thereof, either 25 without any Payment, or upon Payment of such Sum and at such Time as the Justice shall think fit; and every Broker or Dealer who, being so ordered, shall refuse or neglect to deliver up the Goods, or who shall dispose of or make away with the same after Notice that such Goods were stolen or unlawfully obtained as aforesaid, shall 30 forfeit to the Owner of the Goods the full Value thereof, to be determined by the Justice: Provided always, that no such Order shall bar any such Broker or Dealer from recovering Possession of such Goods by Suit or Action at Law from the Person into whose Possession they may come by virtue of the Justice's Order. 35

Power to
order De-
livery of
Possession
of Goods
charged to
have been
stolen or
fraudulently
obtained and

CXXI. If any Goods or Money charged to be stolen or fraudu-
lently obtained shall be in the Custody of any Constable by virtue of
any Warrant, or in prosecution of any Charge of Felony or Mis-
demeanor in regard to the obtaining thereof, and the Person charged
with stealing or obtaining Possession as aforesaid shall not be found, 40
or shall have been summarily convicted or discharged, or shall have
been tried and acquitted, or if such Person shall have been tried and
found

found guilty, it shall be lawful for any Justice to make an Order for the Delivery of such Goods or Money to the Party who shall appear to be the rightful Owner thereof, or, in case the Owner cannot be ascertained, then to make such Order with respect to such Goods or Money as to such Justice shall seem meet: Provided always, that no such Order shall be any Bar to the Right of any Person to sue the Party to whom such Goods or Money shall be delivered, and to recover such Goods or Money from him by Action at Law.

in Custody of
Constables.
5 Vict.
Sess. 2. c. 24.
s. 57.

CXXII. If Information shall be given on Oath to any of the Justices that there is reasonable Cause for suspecting that any shipwrecked Goods, or anything stolen or unlawfully obtained, is concealed or lodged in any Dwelling House or other Place, it shall be lawful for such Justice, by Warrant under his Hand directed to any Constable, to cause every such Dwelling House or other Place to be entered and searched at any Time of the Day or by Night, if Power for that Purpose be given by such Warrant; and the said Justice, if it shall appear to him necessary, may empower such Constable, with such Assistance as may be found necessary, such Constable having previously made known such his Authority, to use Force for the effecting of such Entry, whether by breaking open Doors or otherwise; and if upon Search thereupon made any such Thing shall be found, then to convey the same before a Justice, or to guard the same on the Spot until the Offenders are taken before a Justice, or otherwise disposed thereof in some Place of Safety, and, moreover, to take into Custody, and carry before the said Justice, every such Person found in such House or Place who shall appear to have been privy to the Deposit of any such Thing, knowing or having reasonable Cause to suspect the same to have been stolen or otherwise unlawfully obtained; and any Person to whom any such Property shall be offered to be sold, pawned, or delivered, if he shall have reasonable Cause to suspect that any such Offence has been committed on or with respect to such Property, is hereby authorized, and, if in his Power, is required to apprehend, without a Warrant, and forthwith to carry before a Justice, the Party offering the same, together with such Property, to be dealt with according to Law.

On Suspicion
of Goods
being stolen
or unlawfully
obtained,
Justices may
grant Search
Warrants.
5 Vict.
Sess. 2. c. 24.
s. 54.

CXXIII. In the Decision and Regulation of Matters relating to Pounds in the Police District, all things by Section Nineteen of the "Summary Jurisdiction (Ireland) Act, 1851," directed to be done by the Justices of each Petty Sessions District, shall be done by the Commissioners, and all Monies to be presented by any Grand Jury shall be paid by the Receiver, under the Directions of the Commissioners, out of the Police Funds, and all Monies to be paid to the Treasurer of any County shall be paid to the Receiver as Part of the

Pounds to be
established
and regulated
under
14 & 15 Vict.
c. 92. s. 19.

Police Fund; and the Word "Constabulary" in said Section shall include the Dublin Police.

<i>Nuisances.</i>	CXXIV. Every Person who, within the District, commits any of the following Offences, shall be liable to a Penalty not exceeding <i>Ten Shillings</i> for each Offence, or, in the Discretion of the Justice before whom he is convicted, may be committed to Prison, there to remain for a Period not exceeding <i>Fourteen Days</i> ; and any Constable may take into Custody, without Warrant, and forthwith convey before a Justice, any Person who within his View commits any such Offence; (that is to say,) 5
Penalty on Persons committing any of the Offences herein named :	
Negligent driving of Cattle :	Every Person who by Negligence or Ill-usage in driving Cattle shall cause any Mischief to be done by such Cattle, or who shall in anywise misbehave himself in the driving, Care, or Management of such Cattle; and also every Person not being hired or employed to drive such Cattle, who shall wantonly and unlawfully pelt, drive, or hunt any such Cattle : 10
Furious driving :	Every Person who shall ride or drive furiously, or so as to endanger the Life or Limb of any Person, or to the common Danger of the Passengers in any Thoroughfare :
Ferocious Dogs :	Every Person who suffers to be at large any unmuzzled ferocious Dog, or sets on or urges any Dog or other Animal to attack, worry, or put in fear any Person or Animal : 20
Rabid Dogs : 10 & 11 Vict. c. 89. s. 28.	Every Owner of any Dog who suffers such Dog to go at large, knowing or having reasonable Ground for believing it to be in a rabid State, or to have been bitten by any Dog or other Animal in a rabid State : 25
Dogs to be muzzled :	Every Person who, after public Notice given by the Commissioner, directing Dogs to be confined on account of Suspicion of Canine Madness, suffers any Dog to be at large during the Time specified in such Notice, or who shall keep or suffer to be at large within <i>Fifty Yards</i> of any public Road, any Cur Dog Mastiff, or Bull Dog, without having such Dog muzzled, or without having a Block of Wood fastened to the Neck of such Dog of sufficient Weight to prevent any such Dog from being dangerous; and it shall be lawful for any Constable, without Warrant, to seize or kill any Dog which he shall or may find, or which shall be found on any Road, Street, Lane, or other Place within the District, contrary to the Provisions of this Act, and which shall be the Cause of immediate Danger to any Person whatsoever : 30 35 40
Obstruction of Footway :	Every Person who places or leaves any Furniture, Goods, Wares, or Merchandise, or any Cask, Tub, Basket, Pail, or Bucket, or places or uses any Standing Place, Stool, Bench, Stall, or Show Board on any

any Footway ; or who places any Blind, Shade, Covering, Awning, or other Projection over or along any such Footway, unless such Blind, Shade, Covering, Awning, or other Projection is *Eight* Feet in Height at least in every Part thereof from the Ground :

- 5 Every Person who shall expose anything for Sale in any Park or public Garden (unless with the Consent of the Owner or other Person authorized to give such Consent), or upon or so as to hang over any Carriageway or Footway, or beyond the Line of any House, Shop, or Building at which the same are so exposed, so as to obstruct, endanger, or incommode the Passage of any Person over or along such Footway :

Obstruction
in Parks, &c. :

- 15 Every Person who rolls or carries any Cask, Tub, Hoop, or Wheel, or any Ladder, Plank, Pole, Timber, or Log of Wood, upon any Footway, except for the Purpose of loading or unloading any Cart or Carriage, or of crossing the Footway :

Rolling
Casks, &c.
on Footway :

- 20 Every Person who places any Line, Cord, or Pole across any Street, or from any Window, or hangs or places any Clothes thereon, or places any Clothes or any other Matter or Thing whatsoever thereon, whereby or by means whereof the Persons passing and repassing in the said Street are or may be incommoded :

Cords across
Streets, &c. :

Every common Prostitute or Nightwalker loitering or importuning Passengers for the Purposes of Prostitution :

Prostitutes :

- 25 Every Person who publicly offers for Sale or Distribution, or exhibits to public View, any seditious, profane, indecent, or obscene Book, Paper, Print, Drawing, Painting, or Representation, or sings any seditious, profane, or obscene Song or Ballad, or who shall write or draw any indecent or obscene Word, Figure, or Representation, or use any seditious, profane, or obscene Language :

Indecent
Prints :

Every Person who wilfully and wantonly disturbs any Inhabitant, by pulling or ringing any Door Bell, or knocking at any Door, or who wilfully and unlawfully extinguishes the Light of any Lamp :

Ringling
Bells :

- 35 Every Person who throws or lays down any Stones, Coals, Slates, Shells, Lime, Bricks, Timber, Iron, or other Materials (except Building Materials so inclosed as to prevent Mischief to Passengers) :

Laying down
Stones, &c. :

- 40 Every Person who beats or shakes any Carpet, Rug, or Mat (except Door Mats, beaten or shaken before the Hour of *Eight* of the Clock in the Morning) :

Beating
Carpets :

Every Person who fixes or places any Flower Pot or Box or other heavy Article in any upper Window, without sufficiently guarding the same against being blown down or thrown down :

Flower Pots :

- Throwing
from Roof: Every Person who throws from the Roof or any Part of any House or other Building any Slate, Brick, Wood, Rubbish, or other Thing, except Snow thrown so as not to fall on any Passenger:
- Leaving
open Vaults,
&c.: Every Person who leaves open any Vault or Cellar or the Entrance from any Street to any Cellar or Room underground without a sufficient Fence or Handrail, or leaves defective the Door, Window, or other Covering of any Vault or Cellar, or who does not sufficiently fence any Area, Pit, or Sewer left open, or who leaves such open Area, Pit, or Sewer without a sufficient Light after Sunset to warn and prevent Persons from falling therein: 10
- Posting Bills: Every Person who, without the Consent of the Owner or Occupier, shall affix any Posting Bill or other Paper against or upon any Building, Wall, Fence, or Pale, or write upon, soil, deface, or mark any such Building, Wall, Fence, or Pale with Chalk or Paint, or in any other Way whatsoever, or wilfully break, destroy, 15 or damage any Part of any such Building, Wall, Fence, or Pale, or any Fixture or Appendage thereunto, or any Tree, Shrub, or Seat in any public Walk, Park, or Garden:
- Disturbing
Theatres: Every Person who at any Theatre or other Place of public Resort shall unlawfully and maliciously disturb the Tranquillity 20 and good Order among Her Majesty's peaceable Subjects there assembled, or who shall encourage and endeavour to instigate or prevail on any other Persons to disturb the public Peace, or to injure or annoy any of the Persons so assembled in Person or Property: 25
- Emptying
Privies: Every Person who shall empty or begin to empty any Privy between the Hours of *Six* in the Morning and *Twelve* at Night or remove along any Thoroughfare any Nightsoil, Soap Lees, Ammoniacal Liquor, or other such offensive Matter, between the Hours of *Six* in the Morning and *Eight* in the Evening, or 30 who shall at any Time use for any such Purpose any Cart or Carriage not having a proper Covering, or who shall wilfully or carelessly slop or spill any such offensive Matter in the Removal thereof, or who shall not carefully sweep and clean every Place in which any such offensive Matter shall have been 35 placed, slopped, or spilled; and in default of the Apprehension of the actual Offender, the Owner of the Cart or Carriage employed for any such Purpose shall be deemed to be the Offender: Provided always, that this Enactment shall not be construed to prevent any Person who may be employed in paving, 40 lighting, and cleansing Streets within the Metropolitan Police District, or any Persons acting in that respect, from emptying or removing along any thoroughfare at any Time whatever the Contents of any Sewer which they are authorized to cleanse or empty:

Every

Every Occupier of a House or other Tenement in any Town, or on any public Road within the said District, who shall not keep sufficiently swept and cleansed all Footways and Watercourses adjoining the Premises occupied by him; and if any Tenement be empty or unoccupied the Owner thereof shall be deemed the Occupier with reference to this Enactment.

Cleaning
Footways.

CXXXV. Any Person who shall, on any Street in the District, commit the next following Offence shall, in addition to any Civil Action to which he may make himself liable, be also liable for every such Offence to a Fine not exceeding *Twenty Shillings*; (that is to say,)

Penalties for
Offences :

Every Person who shall in any Manner obstruct any public Street, Thoroughfare, or Footway :

Every Person who causes any Carriage, Sledge, Truck, or Barrow, with or without Horses, or any Beast of Burden, to stand longer than is necessary for loading or unloading Goods, or for taking up or setting down Passengers (except Hackney Carriages, and Horses or other Beasts of Draught of Burden standing for Hire in any Place appointed for that Purpose by the Commissioners or other lawful Authority) :

Obstruction
by Carriages,
&c.
5 Vict. c. 24.
s. 14.

And any Constable may seize and convey to the Common Pound or Livery Stable any Car, Cart, Carriage, Barrow, Truck, Sledge, Tree, Timber, Beam, Board, Plank, Iron, Furniture, Hay, Straw, Cask, Tub, Fruit, Vegetables, or other Article whatsoever which shall be found to obstruct any Street, and shall not have been removed after due Caution being given to the Owner or Owners or other Person or Persons having the Charge thereof, and it shall be lawful for the said Commissioners to direct that the same shall be sold (if unclaimed or not redeemed) in the Manner by this and the "Petty Sessions (Ireland) Act, 1851," directed respecting Animals found wandering and impounded.

CXXXVI. If the Driver of any Carriage or Vehicle whatsoever, or any Person riding, shall, by Negligence, wilful Misbehaviour, or any other Misconduct, cause any Hurt or Damage to any Person or Property, being upon any Street or Highway, or if the Driver of any Carriage or Vehicle whatever shall wilfully be at such Distance from such Carriage or Vehicle that he cannot have the Direction and Government of any Horse or Horses drawing the same, not having employed some proper Person to take care of the same, or shall by Negligence, wilful Misbehaviour, or any other Misconduct, interrupt the free Passage of any other Carriage or Vehicle, or of Her Majesty's Subjects, or shall obstruct any Street or Highway, or any Crossing therein, or the Approach or Access to any House or Shop, and being

To prevent
negligent
or wilful
Misbehaviour of
Drivers of
Carriages,
&c. in the
Streets or
Highways.
1 Vict. c. 25.
s. 23.

Penalty not
exceeding
40s.

required by any Constable or Peace Officer to pass on or move shall continue to obstruct the same, every Person so offending in any of the Cases aforesaid within the said District, and being convicted by any Justice of any such Offence, shall, for every such Offence, forfeit any Sum not exceeding *Forty Shillings*, and in default of Payment of 5 such Penalty and of such Compensation, if ordered, together with the Costs attending such Conviction, immediately or within such Time as such Justice shall appoint, such Justice shall and may commit such Offender to the Common Gaol, to be there imprisoned for any Term not exceeding *One Month*, unless such Penalty, 10 together with the Costs and Compensation, if ordered, be sooner paid; and every such Offender shall and may, by the Authority of this Act, with or without any Warrant, be apprehended by any Person who shall see such Offence committed, and shall be immediately conveyed or delivered to a Constable or other Peace Officer in order 15 to be conveyed before some Justice of the Peace.

Certain
Powers of
former Com-
missioners
of Paving
transferred
to Justices.
1 Vict. c. 25.
s. 24. See
Dublin Im-
provement
Act,
12 & 13 Vict.
c. 97. (1849),
s. 1., re-
pealing Por-
tions of
47 G. 3.
c. 109.
(Paving Act,
Dublin).

CXXVII. All the Powers heretofore given to the late Commis- sioners for paving, cleansing, and lighting the City of Dublin, or to any one or more of them, in and by any of the Provisions now in force of the Acts in part repealed by the "Dublin Improvement Act, 20 1849," of hearing and determining any Complaint for any Offence against the Provisions of the said Acts, or any of them, and of imposing any Fine or Penalty thereon and enforcing the same, and of summoning the Parties and Witnesses thereon, shall be exercised by the Justices at the Police Court of the Division in which the 25 Matter of the said Complaint shall have arisen; and all the Powers given in and by the said Provisions of the said Acts, or any of them, to any Inspector, Constable, or other Person appointed by the said late Commissioners for the Removal or Suppression of Nuisances, or the Apprehension of Persons committing any Offence, shall be 30 exercised by any of the Constables of the said Police in every Street, Lane, or other Place within the said Police District; and every such Constable shall, for those Purposes, have all the Powers, Authorities, and Privileges which, by the said Provisions of the said Acts, are given to the Inspectors, Constables, and other Persons appointed by 35 the said late Commissioners.

Power to
abate
dangerous
Nuisances.
9 & 10 Vict.
c. 96. s. 1.

CXXVIII. Every Person whose Dwelling House or Premises shall be kept in a filthy and unwholesome State, or who shall permit or suffer any Accumulation of offensive or noxious Matter, Refuse, Dung, or Offal, or any offensive Drain, Privy, or Cesspool, to be and remain 40 a common Nuisance, in or upon the Dwelling House and Premises occupied by such Person, prejudicial not only to the Health of the Persons whose Habitations are in the Neighbourhood of any such House

House or Premises, but also of those passing and repassing along and by the same, shall be liable to a Penalty not exceeding *Forty Shillings* for each Offence; and if any Constable shall have reasonable Grounds to suspect and believe that any such common Nuisance exists, or is maintained in or upon any such Dwelling House or Premises, it shall be lawful for such Constable, without Warrant, at all reasonable Hours to enter into and search such Dwelling House and Premises; and in case of the Existence of any such Nuisance the said Constable shall forthwith lay a Complaint before One of the said Justices touching the said Offence.

CXXIX. Upon Complaint made to any of the said Justices by any Person claiming to be entitled to the Property or Possession of any Goods which are detained by any other Person within the Limits of the Police District, the Value of which shall not be greater than *Fifteen Pounds*, and not being Deeds, Muniments, or Papers relating to any Property of greater Value than *Fifteen Pounds*, it shall be lawful for such Justice to summon the Person complained of, and to inquire into the Title thereto or to the Possession thereof; and if it shall appear to the Justice that such Goods have been detained without just Cause, after due Notice of the Claim made by the Person complaining, or that the Person detaining such Goods has a Lien or Right to detain the same by way of Security for the Payment of Money, or the Performance of any Act by the Owner thereof, it shall be lawful for such Justice to order the Goods to be delivered to the Owner thereof, either absolutely or upon Tender of the Amount appearing to be due by such Owner (which Amount the Justice is hereby authorized to determine), or upon Performance, or upon Tender and Refusal of the Performance of the Act for the Performance whereof such Goods are detained as Security, or if such Act cannot be performed, then upon Tender of Amends for Non-performance thereof (the Nature or Amount of which Amends the Justice is hereby authorized to determine); and every Person who shall neglect or refuse to deliver up the Goods according to such Order shall forfeit to the Party aggrieved the full Value of such Goods, not greater than the Sum of *Fifteen Pounds*, such Value to be determined by the Justice: Provided always, that no such Order shall bar any Person from recovering Possession of the Goods or Money so delivered or forfeited by Suit or Action at Law from the Person to whose Possession such Goods or Money shall come by virtue of such Order, so that such Action shall be commenced within *Six Months* after such Order shall be made.

Goods unlawfully detained.

Power to order Delivery of Goods unlawfully detained to the Owner.
5 Vict. Sess. 2. c. 24. s. 68.

CXXX. Every Person who shall occupy or shall have occupied any House or Lodging within the Police District as Tenant thereof,

Landlord and Tenant.

order Com-
pensation for
wilful
Damage by
Tenants.
5 Vict.
Sess. 2. c. 24.
s. 66.

and who shall wilfully or maliciously do any Damage to the Premises, or to any Furniture thereof, not being the Property of such Tenant or Occupier, shall, upon Complaint made to One of the said Justices within *One Calendar Month* next after the Commission of the Offence, or the End of the Tenancy or Occupation, forfeit and pay such Sum 5 of Money as shall appear to the Justice to be a reasonable Compensation for the Damage done, not more than the Sum of *Fifteen Pounds*, to be paid to the Landlord or Party aggrieved.

Power to
deal sum-
marily with
Cases of
oppressive
Distress.
5 Vict.
Sess. 2. c. 24.
s. 67.

CXXXI. On Complaint made to any of the said Justices by any Person who shall within the Police District have occupied any House 10 or Lodging by the Week or Month, or whereof the Rent does not exceed the Rate of *Fifteen Pounds* by the Year, that his Goods have been taken from him by an unlawful Distress, or that the Landlord, or his Broker or Agent, has been guilty of an Irregularity or Excess in respect of such Distress, it shall be lawful for such Justice to summon 15 the Party complained against; and if upon the Hearing of the Matter it shall appear to the Justice that such Distress was improperly taken or unfairly disposed of, or that the Charges made by the Party having distrained or having attempted to distrain are contrary to Law, or that the Proceeds of the Sale of such Distress have not been duly accounted 20 for to the Owner thereof, it shall be lawful for the Justice to order the Distress so taken, if not sold, to be returned to the Tenant on Payment of the Rent which shall appear to be due at such Time as the Justice shall appoint, or if the Distress shall have been sold, then to order Payment to the said Tenant of the Value thereof, 25 deducting thereout the Rent which shall so appear to be due, such Value to be determined by the Justice; and such Landlord or Party complained against, in default of Compliance with any such Order, shall forfeit to the Party aggrieved the Value of such Distress, not being greater than *Fifteen Pounds*, such Value to be determined by 30 the Justice.

Proceedings
to be taken
for Recovery
of Posses-
sion of
Houses, &c.
deserted.
14 & 15 Vict.
c. 57. s. 71.

CXXXII. In the Case of any deserted House, Land, or Tene- ment, within the said Police District, where the Landlord or Lessor shall have proceeded by Civil Bill Process for the Purpose of recovering the Possession thereof, pursuant to Section Seventy-one of the Act of 35 the Fourteenth and Fifteenth Victoria, Chapter Fifty-seven, and shall require such Certificate as is by the said Section provided, it shall be lawful for any One of the said Justices to issue his Warrant to the Office Sergeant attached to the Police Court in which such Justice shall preside, requiring him to enter into or go upon and view such 40 House, Land, or Tenement; and thereupon such Sergeant shall proceed as the Justices are directed to proceed by the said Section Seventy-one, but, instead of certifying to the Assistant Barrister, shall make

make a Return to the said Warrant, and verify the same upon Oath before any One of such Justices, and it shall be lawful for any such Justice to transmit the said Warrant and Return thereto to the Assistant Barrister, pursuant to the said Section Seventy-one, which
5 Warrant and Return shall be of the same Force and Effect as a Certificate within the said Section Seventy-one.

CXXXIII. All Cesses, Rates, and Taxes, authorized by Law to be levied by Order of any Justice or Justices of the Peace, and which are due on, or payable out of, or in respect of, Premises wholly or in
10 part situate in the said Police District, may be recovered before any Justice at One of the said Police Courts, although the Entire of the Parish, Township, Barony, Townland, or Place, subject to, or assessed, or applotted for such Cesses, Rates, or Taxes, may not be within the said District: Provided always, that nothing in this Act contained
15 shall be deemed or taken to exempt from Liability to such Cesses, Rates, or Taxes, any House, Land, or Tenement heretofore liable to and duly rated and assessed for the same.

Rates.

Taxes on Premises situated as herein may be recovered before any Justice.
12 & 13 Vict. c. 91. s. 70.
Collection of Rates, Dublin.

CXXXIV. All Fines, Penalties, or Forfeitures, or Shares of Fines, Penalties, or Forfeitures, by any Law now in force or hereafter to be
20 made payable to the Crown, or to any Person (other than the Informer who shall sue for the same, or the Party aggrieved), and which shall be recoverable by or before any of the said Justices, shall be adjudged to, accounted for, and paid into the Hands of the Receiver of the Police District of Dublin Metropolis, to be applied by the said
25 Receiver towards defraying the Expenses of the Police Establishment of the said District, anything in any other Act contained to the contrary thereof notwithstanding.

Penalties.

All Fines and Penalties recoverable before Justice, to be paid to the Receiver of the Police.
2 & 3 Vict. c. 78. s. 11.

CXXXV. All pecuniary Penalties which shall be recovered before any Justice under this Act, for the Application of which no Provision
30 is made in this or any other Act, shall respectively be divided and distributed in the Manner following; (that is to say,) *One Moiety* thereof to the Receiver, to be placed by him to the Account of the Public Monies of the Police District, and to be applied accordingly, and the *other Moiety* thereof to the Person who shall give Information
35 of the Offence and prosecute the Offender: Provided nevertheless, that in case the Person who shall so give Information and prosecute shall be, at the Time of the Commission of the Offence or of the Hearing of the Complaint, employed in the Dublin Metropolitan Police Service, the whole Penalty so forfeited shall be paid to the
40 Receiver for the Purposes aforesaid.

Distribution of Penalties.

*Conviction,
Appeal, &c.*

Conviction
not to be
quashed for
Want of
Form, or
removable.
6 & 7 W. 4.
c. 29. s. 41.
Proceedings
against
Persons
acting under
this Act.
5 Vict.
c. 24. s. 75.
Notice of
Action,
Tender of
Amends, &c.

CXXXVI. No Conviction had or made by or before any Justice shall be quashed or set aside, or adjudged void or insufficient for Want of Form, nor shall the same be removed by Certiorari into Her Majesty's Court of Queen's Bench.

CXXXVII. All Actions and Prosecutions to be commenced against 5
any other Person than a Commissioner or Justice of Police for any-
thing done in pursuance of this Act shall be commenced within *Three*
Calendar Months after the Fact committed, and not otherwise; and
Notice in Writing of such Action, and of the Cause thereof, shall be
given to the Defendant *Twenty* clear Days at least before the Com- 10
mencement of the Action; and no Plaintiff shall recover in any such
Action if Tender of sufficient Amends shall have been made before
such Action brought, or if a sufficient Sum of Money shall have been
paid into Court after such Action brought, by or on behalf of the
Defendant. 15

When
Actions are
brought
against Con-
stables, they
may justify
under
Warrant.

CXXXVIII. When any Action shall be brought against any
Constable of Police of said District for any Act done in obedience to
a Warrant addressed to him to be executed, such Constable shall not
be responsible for any Irregularity in the issuing of such Warrant, or
for any Want of Jurisdiction in the Party issuing the same; and such 20
Constable may justify under such Warrant, and upon producing such
Warrant and proving that the Signature thereto is the Handwriting of
the Person whose Name shall appear subscribed thereto, and that such
Person has acted in the Capacity in virtue of which he may have
signed the Warrant, and that the Act or Acts complained of were 25
done in obedience to such Warrant, the Jury who shall try the said
Issue shall find a Verdict for such Constable.

Justices,
Constables,
&c., indem-
nified,
though the
Goods shall
appear not to
be stolen, or
Felon, &c.,
not in the
Houses.
48 G. 3.
c. 140. s. 47.

CXXXIX. In case Goods or other Things carried and conveyed
as herein-before mentioned shall not have been stolen, or in case no
Felon, or Accessory to Felony, or Receiver of stolen Goods, nor any 30
Goods or Things stolen, or feloniously taken or carried away, shall be
found in such Dwelling House, Outhouse, Shop, Warehouse, Cellar,
Yard, or other Place, and that any Action, Suit, Complaint, or Informa-
tion against any Person for such apprehending, entering, or breaking
shall be commenced within *Six* Months after the Offence committed, 35
any such Person so sued or prosecuted may justify under this Act.

*Miscella-
neous.*

Superannu-
ation of
Officers who
have served

CXL. Whereas by an Act of the Tenth and Eleventh Years of
Her present Majesty, Chapter One hundred, Provision is made for
granting Superannuation Allowances and Gratuities to Magistrates,
Officers, Constables, and other Persons, appointed under the Acts 40
relating

relating to the Constabulary Force, and under the Acts relating to the Dublin Metropolitan Police Establishment, but the said last-recited Act does not authorize the granting of any Superannuation Allowance or Gratuity for a Period of Service of which Part was 5 under the Acts relating to the Constabulary and Part under the Acts relating to the Dublin Metropolitan Police: Be it enacted as follows :—

in Consta-
bularly and
Dublin Me-
tropolitan
Police.

10 & 11 Vict.
c. 100.

10 In any Case of continuous Service, whereof one Part shall have been performed under the Acts relating to the Constabulary Force, and the other Part under the Acts relating to the Dublin Metropolitan Police Establishment, it shall be lawful for the Commissioners of Her Majesty's Treasury, on the Recommendation of the Lord Lieutenant of Ireland, to grant any Superannuation Allowance or Gratuity not exceeding the Amount which might 15 under the said last-recited Act have been granted by them or by the Lord Lieutenant of Ireland if the whole of such Service had been performed either under the Acts relating to the Constabulary Force, or under the Acts relating to the Dublin Metropolitan Police Establishment, and to charge such Allowance or 20 Gratuity on the Constabulary Superannuation Fund and on the Funds applicable to the support of the Dublin Metropolitan Police Establishment, in such Proportions as may appear to them just and equitable :

25 In the Case of any Person who, after a continuous Service in the Constabulary Force, and afterwards in the Dublin Metropolitan Police Establishment, has been heretofore discharged from the Dublin Metropolitan Police Establishment on Superannuation Allowance or Gratuity, it shall be lawful for the said Commis- sioners of Her Majesty's Treasury, on the Recommendation of 30 the Lord Lieutenant of Ireland, to grant to such Person an additional Superannuation Allowance or Gratuity, charged on the Constabulary Superannuation Fund, not exceeding the Difference between the Amount which might have been legally granted for his Service in the Dublin Metropolitan Establishment and the Amount 35 which might have been legally granted for the whole Period of his Service in both Establishments if this Act had been in force at the Time of his Discharge.

CXLI. If it shall become necessary to prove the Power, Office, Reputation
Authority, or Appointment of any of the said Commissioners, to be suffi-
40 Justices, or Constables, or of the Receiver, or of any other Officer, cient Evi-
or Person appointed or acting under or by virtue of this Act, dence of
as aforesaid, it shall in all Cases be sufficient to all Intents and Officer's
Purposes, to prove that such Person or Persons at the Time in Authority.
question was or were commonly known or reputed to hold such 48 G. 3.
c. 140. s. 123.

Office or Situation respectively; and it shall not in any such Case be necessary to produce or prove any Appointment or Qualification whatsoever of such Person or Persons.

Paying
Police Rate
no Disquali-
fication of
Justices.

CXLII. No Justice of the Peace shall be disabled from acting in the Execution of this Act by reason of his being liable to the 5 Payment of any Money for the Maintenance of the Police under this Act.

Sessions of
the Peace
or Dublin
City and
County.

CXLIII. The Sessions of the Peace for the County of the City of Dublin shall not be adjourned for any greater Length of Time than from *Six* Weeks to *Six* Weeks, and it shall be lawful to hold the 10 said Sessions during the Law Terms: Provided, however, that nothing herein contained shall prevent the holding of the Sessions of Peace for the County of Dublin in the usual Place for holding the same, or shall in anywise affect the Prosecution or Trial of any Person accused of having committed Perjury on any Trial held before a Jury 15 of the County of Dublin, but that all and every the said Matters shall proceed as if this Act had not passed.

Justices, &c.
not to serve
on Juries.
1 Vict. c. 25.
s. 20.

CXLIV. The Commissioners, Justices, and all other Persons already appointed or hereafter to be appointed under any Act to be passed for the Regulation of the said Police District, shall 20 be and are hereby exempted and disqualified from being returned to serve or from serving on any Juries or Inquests whatsoever in the County or County of the City of Dublin.

Power of
Justices to
continue.

CXLV. The Justices shall continue to possess all the Powers, Jurisdiction, and Authority conferred on Divisional Justices of the 25 Metropolitan Police District by any Statute not hereby repealed.

This Act, and
Summary
Jurisdiction
(Ireland)
Act, 1851,
to be con-
strued as
One Act.
Misnomers
not to affect
the Execu-
tion of the
Act.
1 Vict. c. 25.
s. 3.

CXLVI. This Act, and "The Summary Jurisdiction (Ireland) Act, 1851," shall, so far as relates to the Dublin Metropolitan Police District, be construed as One Act.

CXLVII. No Misnomer or inaccurate Description in the Schedules 30 to this Act annexed, or in any Order in Council to be made as aforesaid, shall prevent or in anywise affect the Operation thereof, but this Act and every such Order shall apply and be enforced, as fully and effectually, to all Intents and Purposes, as if the Subject of such Misnomer or Misdescription had been correctly named and 35 described in such Schedule or Order in Council, provided the same be designated to common Intent and Understanding, and provided further

further that United Parishes shall for all the Purposes of this Act be deemed to be included under and denoted by the Word "Parish."

CXLVIII. Nothing in this Act contained shall affect the Provisions
5 relating to the Collection of the Police Rates of the Act of the Twelfth and Thirteenth Victoria, Chapter Ninety-one, but the same shall continue to be collected as if this Act were an Act amending the Act of the Sixth and Seventh William the Fourth, Chapter Twenty-nine.

Act not to
affect Police
Rates under
12 & 13 Vict.
c. 91.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

Acts and Parts of Acts repealed.

Date of Act.	Title.	Extent of Repeal.
48 Geo. 3. c. 140. -	An Act for the more effectual Administration of the Office of a Justice of the Peace, and for the more effectual Prevention of Felonies within the District of Dublin Metropolis.	The whole.
5 Geo. 4. c. 102. -	An Act to amend an Act of the Forty-eighth Year of the Reign of His late Majesty, for the more effectual Administration of the Office of a Justice of the Peace, and for the more effectual Prevention of Felonies within the District of Dublin Metropolis.	The whole.
6 & 7 Will. 4. c. 29. -	An Act for improving the Police in the District of Dublin Metropolis.	The whole.
7 Will. 4. & 1 Vict. c. 25. - - -	An Act to make more effectual Provisions relating to the Police in the District of Dublin Metropolis.	The whole.
1 & 2 Vit. c. 63. -	An Act to amend the Acts relating to the Police of the District of Dublin Metropolis.	The whole.
2 & 3 Vict. c. 78. -	An Act to make further Provisions relating to the Police in the District of Dublin Metropolis.	The whole.
3 & 4 Vict. c. 103. -	An Act to amend an Act of the last Session for making further Provisions relating to the Police in the District of Dublin Metropolis.	The whole.
5 Vict. c. 24. - -	An Act for improving the Dublin Police.	The whole.
11 & 12 Vict. c. 113.	An Act for the further Amendment of the Acts relating to the Dublin Police.	Sections 1, 2, and 3, the Remainder of the said Act having been repealed by 16 & 17 Vict. c. 112., "Dublin Carriage Act."

SCHEDULE (B.)

BOUNDARY OF THE DUBLIN POLICE DISTRICT.

THE Police District of Dublin Metropolis shall be divided into Three Divisions or Districts following; that is to say, the Castle and Kingstown, or Letter A, Division; the B, or College Division; and the C, or Rotunda Division; and that the Limits of the said respective Divisions shall stand and be as follows; (that is to say,) 1 Vict. c. 25. s. 1.; 2 & 3 Vict. c. 78. s. 14.; 3 & 4 Vict. c. 103. s. 1.

A DIVISION.—That the Castle and Kingstown, or Letter A Division, shall consist of and have the Bounds following; (that is to say,) from a Point in the central Line of the River Anna Liffey opposite to the central Line of Eustace Street, in a direct Line to the Centre of the North End of the said Eustace Street, and from thence along the central Line of the said Street, and from thence in a direct Line to the Centre of the North End of Great George's Street South, and from thence along the central Line of Great George's Street South, and so on to and along the central Line and Lines of Aungier Street, Redmond's Hill, Kevin's Port, alias Dale Street, alias Wexford Street, Camden Street, Portobello, and so on along the central Line of the Road to the Centre of Latouche Bridge, and so on and along the central Line of the Road leading from Latouche Bridge through Rathmines to the Bye-road adjoining Willan's Woollen Cloth Mills, and leading to the River Dodder, and along the central Line of the said Bye-road and the Left Bank of the River Dodder to the Junction of the Baronies of Uppercross and Newcastle near Cypress Grove, and thence along the Boundary Line between the Baronies of Newcastle and Uppercross to the Third Lock from Dublin on the Grand Canal near Golden Bridge, thence in a direct Line to the Bridge over the River Anna Liffey and Chapelizod, and from the Point in the central Line of the River Anna Liffey opposite the central Line of Eustace Street up and along the central Line of the said River to the extreme Limits of the District at Chapelizod; and that the said Division shall also comprise and consist of the several Places situate within the Bounds or Limits following; from the Left Bank of the River Dodder One Furlong Statute Measure from the Right of the Bridge of Donnybrook, running Two Furlongs Statute Measure to the Right of the Line of Road from Dublin to the Seashore at Killiney, by the Line of Road more particularly defined as follows; from the Bridge over the Dodder at Donnybrook, along the Line of Road leading through the Village of Stillorgan, by Galloping Green, to Foxrock, thence by the Cross Road of Dean's Grange to the Kill of the Grange; from the Kill of the Grange by the Rochestown Road, and the Glengarry or Sallynoggins Road, to Minor's Hill; thence by Bessville, Anglesea, and Coolmeen Road,

Orders in Council of April 3, 1838; March 13, 1840; April 27, 1841; May 1, 1850.

towards Killiney Castle, and by the said Road to the Gate of Mountmalpas; thence by the Southern Wall of the said Mount or Killiney Hill to the nearest Point of the Low-water Mark of the Seashore to the said Southern Wall; thence by the Low-water Mark of the said Shore; viâ Bullock, including the Harbour of Kingstown, till it joins the Boundary of the B or College Division at the Lighthouse at the Termination of the South Wall; and that the Boundary from the Bridge over the Dodder at Donnybrook, by the Line of Road above defined, shall be held to include the full Breadth of the said Road, and Two Furlongs Statute Measure to the Right or Exterior of the said Road, and which Furlongs shall be to all Intents and Purposes Part of the said Police District, and subject to the like Rates and Assessments as any Part of the said District is or shall be liable; and that the whole of the said Places so named and defined as aforesaid shall form One Division, to be called the A or Castle and Kingstown Division, as aforesaid.

B DIVISION.—That the B or College Division shall consist of and have the Bounds or Limits following; (that is to say,) from the Lighthouse at the Termination of the South Wall, and thence by the Low-water Mark to the Sea Beach opposite to the Point where the Barony of Rathdown abuts on the Road leading from Dublin to Blackrock at Old Merrion Burying-ground, along the Boundary Line between the said Barony and the Barony of Dublin to the Bridge over the Dodder at Donnybrook; thence along the Left Bank of the said River Dodder to the Boundary of the A or Castle and Kingstown Division at the Bye-road near Willan's Cloth Mills; and the Boundary of the said College Division to the West shall be the same as the Boundary of the said A or Castle and Kingstown Division from the said River Dodder by the Bye-road aforesaid and Rathmines, as far as the Point in the central Line of the said River Anna Liffey opposite to the central Line of Eustace Street; and from the said Point the Limits of the said B or College Division shall be along the central Line of the said River Anna Liffey to the extreme Limits of the C Division or District at the Centre of the Line between the Lighthouse at the Termination of the North Wall and the Lighthouse at the Termination of the South Wall, and from the Centre of the said Line to the said Lighthouse at the Termination of the South Wall aforesaid; and that the whole of the said Places so named and defined as aforesaid shall form One Division, to be called the B or College Division, as aforesaid.

C DIVISION.—That the C or Rotundo Division shall consist of and have the Bounds or Limits following; that is to say, from the Centre of the Line from the Lighthouse at the Termination of the South Wall to the Lighthouse at the Termination of the North Wall, up and along the central Line of the River Anna Liffey to the Centre of

of the Bridge at Chapelizod, and from the said Bridge along the Left Bank of the said River to the Ferry at the Bottom of Knockmaroon Hill; thence along the Line of Road over Knockmaroon Hill to the Entrance of the Phoenix Park at Knockmaroon Gate; thence by the Wall of the Phoenix Park to Ashtown Lodge, at the Back of the Under Secretary's House; thence by the most direct Road to Longford Bridge on the Royal Canal; thence by the most direct Road to the Tolka River, and by that River to Annesley Bridge; thence by the Sea Line to the Lighthouse on the North Wall, and from thence to the Point on the Centre of the Line between the said Lighthouse at the Termination of the North Wall and the Lighthouse at the Termination of the South Wall on the Boundary of the B Division; and that the whole of the said Places so named and defined as aforesaid shall form One Division, to be called the C or Rotundo Division as aforesaid.

SCHEDULE (C.)

TABLE OF FEES receivable at the several Police Courts in the Police District of Dublin Metropolis.

	<i>s.</i>	<i>d.</i>
Summons and Copy (including Copy of Information when served with Summons)	-	1 0
Warrant	-	1 0
Recognizance	-	1 0
Affidavit or Declaration	-	0 6
Order	-	1 0
Conviction	-	2 0
Certificate	-	1 0
Engrossing Information in Assaults, Tresspasses, and all Misdemeanors	-	1 0
Appeal	-	2 6
Supersedeas	-	1 0

Justices and Police Force
(Dublin).

A

B I L L

To amend the Acts relating to the Justices and
Police Force of the Dublin Metropolitan
Police District.

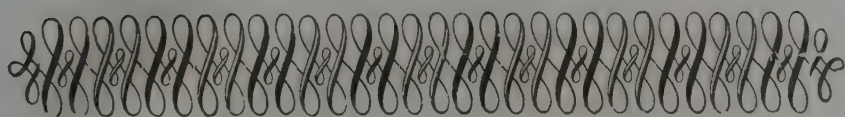
*(Prepared and brought in by
Mr. Attorney General for Ireland and Mr. Herbert.)*

*Ordered, by The House of Commons, to be Printed,
25 June 1857.*

[Bill 92.]

Under 7 oz.

17 August 1857. 20 & 21 Vic.



(Ireland.)

A

B I L L

TO

Prevent Frauds in the Manufacture of Kelp in Ireland.

WHEREAS the Manufacture of Kelp from Seaweed is carried on in Ireland to a considerable Extent, and affords profitable Employment to the Poor of the Sea Coast, but the Sale thereof is greatly injured and the Price depreciated by
5 Frauds committed in Process of burning, particularly by putting Stones and Gravel into it to increase the Weight: For Remedy thereof be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and
10 by the Authority of the same, as follows :

I. If any Person or Persons shall wilfully mix with the Seaweed, in Process of making, burning, or manufacturing into Kelp, any Stones, Gravel, Matter, or Thing, for the Purpose of increasing the Weight or otherwise adulterating the same, or shall knowingly sell or offer
15 for Sale any Kelp so mixed or adulterated, such Person or Persons, on Conviction before any Justice of the Peace sitting at Petty Sessions, shall forfeit and pay a Sum not exceeding *Five Pounds*, and all such Kelp so mixed or adulterated shall be forfeited and destroyed.

Preamble.

Penalty on Persons adulterating Seaweed in Process of making into Kelp.

[Bill 195.]

Proprietors
of Land may
appoint an
Inspector.

II. Every Proprietor of Land in Fee and of the annual Value of Two hundred Pounds and upwards, and having Lands next the Sea on the Shores of which Kelp is made, may appoint an Inspector of Kelp in Process of Manufacture.

Inspectors
and others to
have Power
to enter
Places used
for making
Kelp.

III. Every Inspector, Sub-Inspector, and Head Constable, or Police 5 Officer, or Chief Boatman of Coast Guard, and every Inspector of Kelp in Process of Manufacture, appointed as aforesaid, shall have full Power and Authority and they are hereby authorized to enter during the Daytime all Places used for making, burning, and manufacturing Kelp, and inspect the same, or any other Store or Place where Kelp 10 is kept, and if any Kelp shall be found therein containing any Stones, Gravel, Matter, or Thing other than Sea Weed and the Produce thereof, then to seize such Kelp, and take the same, together with the Person or Persons in whose Custody or Possession the same shall be found, before some Justice of the Peace for the County where the 15 same shall be found, to be further dealt with according to Law.

Extent of
Act.

IV. This Act shall only extend to Ireland.

Kelp Manufacture
(Ireland).

A

B I L L

To prevent Frauds in the Manufacture
of Kelp in Ireland.

(Prepared and brought in by
Mr. Conolly, Sir Edmund Hayes, and
Mr. John Wympe.)

*Ordered, by The House of Commons, to be Printed,
17 August 1857.*

[Bill 195.]

Under 1 c.

